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THE  
**Parliamentary Debates**

FROM.

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED  
“THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST  
PERIOD TO THE YEAR 1803.”

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PUBLISHED UNDER THE SUPERINTENDENCE OF  
T. C. HANSARD.

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VOL. XXIX.

COMPRISING THE PERIOD

FROM

THE EIGHTH DAY OF NOVEMBER, 1814,

TO

THE THIRD DAY OF MARCH,

1815..

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L O N D O N:

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## ERRATUM.

In the Speech of Mr. Stephen, at p. 928, on sir John Newport's Motion respecting Courts of Justice, instead of the words "To his infinite surprise it appeared afterwards, that something of this kind had taken place in a particular department," the sentence should run thus: "Finding some insinuations which seemed to point at the office of the Masters in Chancery, among those in which abuses were supposed to exist, he had invited explanation on that point, and had declared, that if any gentleman would assert the existence of abuses in that quarter, he would vote for the inquiry. And an hon. and learned member having, in reply, declared his belief in such abuses, though not as proceeding from the Masters themselves, he thought it became him to vote for the motion."



# LIST OF THE PRINCE REGENT'S MINISTERS,

*As it stood at the Opening of the Session, November 8, 1814.*

## CABINET MINISTERS.

Earl of Harrowby - - - - -	Lord President of the Council.
Lord Eldon - - - - -	Lord High Chancellor.
Earl of Westmoreland - - - - -	Lord Privy Seal.
Earl of Liverpool - - - - -	First Lord of the Treasury (Prime Minister)
Right Hon. Nicholas Vansittart - - - - -	{ Chancellor and Under-Treasurer of the Ex- chequer.
Lord Viscount Melville - - - - -	First Lord of the Admiralty.
Earl Mulgrave - - - - -	Master-General of the Ordnance.
Lord Viscount Sidmouth - - - - -	Secretary of State for the Home Department.
Lord Viscount Castlereagh - - - - -	Secretary of State for Foreign Affairs.
Earl Bathurst - - - - -	{ Secretary of State for the Department of War and the Colonies.
Earl of Buckinghamshire - - - - -	{ President of the Board of Controul for the Af- fairs of India.
Right Hon. Charles Bragge Bathurst - - - - -	Chancellor of the Duchy of Lancaster.
Right Hon. W. W. Pole - - - - -	Master of the Mint.

## NOT OF THE CABINET.

Right Hon. George Rose - - - - -	Treasurer of the Navy.
Earl of Clancarty - - - - -	President of the Board of Trade.
Right Hon. F. J. Robinson - - - - -	Vice-President of the Board of Trade.
Right Hon. Charles Long - - - - -	{ Joint Paymaster-General of the Forces.
Lord Charles Somerset - - - - -	
Earl of Chichester - - - - -	{ Joint Postmaster-General.
Earl of Sandwich - - - - -	
Viscount Palmerston - - - - -	Secretary at War.
Right Hon. Charles Arbuthnot - - - - -	{ Secretaries of the Treasury.
S. R. Lushington, esq. - - - - -	
Sir William Grant - - - - -	Master of the Rolls.
Sir William Garrow - - - - -	Attorney General.
Mr. Serjeant Shepherd - - - - -	Solicitor General.

## PERSONS IN THE MINISTRY OF IRELAND.

Viscount Whitworth - - - - -	Lord Lieutenant.
Lord Manners - - - - -	Lord High Chancellor.
Right Hon. Robert Peel - - - - -	Chief Secretary.
Right Hon. W. Vesey Fitzgerald - - - - -	Chancellor of the Exchequer.

# THE Parliamentary Debates

During the Third Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Eighth Day of November 1814, in the Fifty-fifth Year of the Reign of His Majesty King GEORGE the Third. [Sess. 1814/15.]

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## HOUSE OF LORDS.

*Tuesday, November 8, 1814.*

**THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.]** This being the first day of the session, his royal highness the Prince Regent came down to the House in the usual state; and on entering the House, attended by the royal suite, in which the sword of state was borne by the earl of Liverpool; the cap of maintenance by the marquis of Winchester; and the imperial crown of the realm by lord James Murray; his Royal Highness took his seat on the throne. Sir Thomas Tyrwhitt, gentleman usher of the Black Rod, was then sent to command the immediate attendance of the Commons. Soon afterwards, the Speaker, accompanied by a number of members, came to the bar; when the Prince Regent delivered the following most gracious Speech from the throne:

“ My Lords and Gentlemen,

“ It is with deep regret that I am again obliged to announce the continuance of his Majesty's lamented indisposition.

“ It would have given me great satisfaction to have been enabled to communicate to you the termination of the war between this country and the United States of America.

“ Although this war originated in the most unprovoked aggression on the part of the government of the United States, and was calculated to promote the designs of the common enemy of Europe against  
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the rights and independence of all other nations, I never have ceased to entertain a sincere desire to bring it to a conclusion on just and honourable terms.

“ I am still engaged in negotiations for this purpose; the success of them must, however, depend on my disposition being met with corresponding sentiments on the part of the enemy.

“ The operations of his Majesty's forces by sea and land in the Chesapeake, in the course of the present year, have been attended with the most brilliant and successful results.

“ The flotilla of the enemy in the Patuxent has been destroyed. The signal defeat of their land forces enabled a detachment of his Majesty's army to take possession of the city of Washington; and the spirit of enterprize which has characterized all the movements in that quarter has produced on the inhabitants a deep and sensible impression of the calamities of a war in which they have been so wantonly involved.

“ The expedition directed from Halifax to the northern coast of the United States, has terminated in a manner not less satisfactory. The successful course of this operation has been followed by the immediate submission of the extensive and important district, east of the Penobscot river, to his Majesty's arms.

“ In adverting to these events, I am confident you will be disposed to render  
( B )

full justice to the valour and discipline which have distinguished his Majesty's land and sea forces; and you will regret with me, the severe loss the country has sustained by the fall of the gallant commander of his Majesty's troops, in the advance upon Baltimore.

"I availed myself of the earliest opportunity afforded by the state of affairs in Europe, to detach a considerable military force to the river Saint Lawrence; but its arrival could not possibly take place till an advanced period of the campaign.

"Notwithstanding the reverse which appears to have occurred on Lake Champlain, I entertain the most confident expectation, as well from the amount as from the description of the British force now serving in Canada, that the ascendancy of his Majesty's arms throughout that part of North America will be effectually established.

"The opening of the Congress at Vienna has been retarded, from unavoidable causes, to a later period than had been expected.

"It will be my earnest endeavour, in the negotiations which are now in progress, to promote such arrangements as may tend to consolidate that peace which, in conjunction with his Majesty's allies, I have had the happiness of concluding; and to re-establish that just equilibrium amongst the different powers, which will afford the best prospect of permanent tranquillity to Europe.

"Gentlemen of the House of Commons,

"I have directed the estimates for the ensuing year to be laid before you.

"I am happy to be able to inform you, that the revenue and commerce of the United Kingdom are in the most flourishing condition.

"I regret the necessity of the large expenditure which we must be prepared to meet in the course of the ensuing year; but the circumstances under which the long and arduous contest in Europe has been carried on and concluded, have unavoidably led to large arrears, for which you will see the necessity of pro-

viding; and the war still subsisting with America, renders the continuance of great exertions indispensable.

"My Lords and Gentlemen,

"The peculiar character of the late war, as well as the extraordinary length of its duration, must have materially affected the internal situation of all the countries engaged in it, as well as the commercial relations which formerly subsisted between them.

"Under these circumstances, I am confident you will see the expediency of proceeding with due caution in the adoption of such regulations as may be necessary for the purpose of extending our trade, and securing our present advantages; and you may rely on my cordial co-operation and assistance in every measure which is calculated to contribute to the prosperity and welfare of his Majesty's dominions."

At the conclusion of the Speech, the Prince Regent and the royal suite retired, and the Commons withdrew to their own House. Lord Exmouth (late sir Edward Pellew) was introduced with the accustomed formalities. His lordship's supporters were lords Kenyon and Ellenborough. Lord Auckland took the oaths and his seat, on succeeding to the peerage, by the demise of his father. Their lordships then adjourned till five o'clock. When the House had resumed, the Prince Regent's Speech was read by the Lord Chancellor, and also by the Clerk at the table.

The Earl of Abingdon rose, he said, to perform a part which he had, very reluctantly, undertaken; not, however, from any apprehension of difficulty in persuading the House to adopt the Address which he should have the honour of submitting for its consideration, but from a high sense of the importance of the occasion, and from his inability adequately to prepare himself for addressing their lordships, in consequence of the shortness of the notice which he had received upon this subject, and the various private engagements to which he was called upon to attend. This much the noble lord thought it necessary to offer, with a view to bespeak the indulgence of the House, and to show that his unprepared state was by no means the result of any wilful neglect. With respect to the first paragraph of the Prince Regent's Speech, he was persuaded that

all who heard it—that all good men throughout the empire—would cordially accord with the sentiment of regret which it expressed upon the subject of our gracious sovereign's long continued illness. And as to America, the feeling of that House must concur with the language of the Speech and the opinion of the country; for the unprovoked aggression of the American government was a matter of undisputed fact and universal reprobation. It was impossible, indeed, not to reprobate that aggression, especially when the circumstances under which it took place were considered; when it was recollected, that the American government thought proper to declare against us at a time when she supposed that, from external engagements and internal situation, we should be reduced to the necessity of submitting to her unjust pretensions. The treachery, however, had proved unavailing; but it was to be remembered, that America had evinced no indisposition, at a very critical period, to second the views of the common enemy; that that government had showed no repugnance to create a diversion in favour of that enemy. Therefore, while we had to congratulate ourselves upon the total discomfiture of that enemy and the consequent deliverance of Europe, we must bear in mind that the American government manifested no disinclination to prevent that discomfiture and impede that deliverance. However, notwithstanding such conduct on the part of America, it was satisfactory to witness the declared disposition of the Regent to conclude peace with that government on just and honourable terms. That the war, indeed, had no other object, in the contemplation of the British government, could not, he thought, be fairly disputed; and that that object would be fully attained, he had not the slightest doubt. The character of our army and navy he felt to be such as to justify the most sanguine anticipations; and that character was amply sustained by the gallant achievements of admiral sir Alexander Cochrane and general Ross, whose death every admirer of military skill and personal valour must sincerely deplore. From these achievements, from the amount and activity of our force in America, and particularly from the nature of the reinforcements sent to that country, from the army accustomed to exertion and glory under the duke of Wellington, there was every reason to calculate, that notwithstanding

the disasters stated to have been met with on Lake Champlain, the war would be brought, on our part, to an honourable and glorious termination.—The noble lord, in adverting to that part of the speech which referred to the flourishing state of our commerce, notwithstanding the extraordinary length and pressure of the war, congratulated the House upon this very grateful circumstance, and expressed a hope that their lordships would take into their most serious consideration the means of providing for our future commercial prosperity; for making every necessary arrangement, to advance our trade, to promote the general interests, and to secure to the empire the full enjoyment of the advantages of peace. Having said so much upon the subject of the Speech, the noble lord thought it proper to add a few words with regard to the part which he had, on this occasion, undertaken to perform. It might, from that part, be inferred that he was attached to the Regent and to his ministers. To the Regent he, no doubt, felt most forcibly that attachment which, according to the constitution of the country, was due to his Royal Highness: to the ministers he by no means felt himself bound: so long as they should continue to support those good and wholesome laws which had been transmitted to us by the wisdom of our ancestors; which had so materially contributed to enable us to save Europe; which had, in fact, served to save the country itself from falling, these ministers might rely upon his utmost attachment. The noble earl concluded with moving an Address to the Prince Regent, which, as usual, was an echo of the Speech.

The Earl of *Delaware* rose to second the motion in a maiden speech. He did not, he said, mean to trespass at any length upon the House; nor could he, indeed, think it necessary to offer any argument to induce their lordships unanimous acquiescence in the Address which had just been read. That Address, in fact, only stated what every one must feel. The commencement contained an expression of regret for the continued indisposition of our gracious sovereign, in which every admirer of the excellencies and virtues of human nature must cordially sympathize: it must, indeed, be a matter of deep lamentation, that such should be the melancholy close of a life so piously, so usefully, and so honourably spent; and that, amidst the cheering events in which we



had recently so much occasion to exult, our joy should be damped by the illness of a sovereign to whom the empire owed such manifold and important obligations; that our beneficent monarch should not be in a state to participate in the rejoicings of his people. It was also a cause of sorrow and disappointment that we had not yet, as we had hoped, to congratulate ourselves upon the restoration of peace to the civilized world. But this sorrow and disappointment was owing to the conduct of America. The liberal views, the pacific feelings, the high-minded generosity which distinguished the great powers who had saved Europe, had, it appeared, no influence upon the councils of the American government. To that government, therefore, the misfortune was to be attributed, that the Temple of Janus was not yet closed. That we had still an enemy to encounter, that the afflicting calamities of war were still continued, was the result of that deep-rooted hostility to the British empire, which marked the character of the government of America. This exalted example of the several powers of Europe was lost upon America, which appeared to form a focus for the seeds of discord, from which Europe was so happily relieved. Hence the prolongation of that war, notoriously originating in the unprovoked aggression of America; which aggression, too, took place at a period when this country was contending for the liberty of nations—for that liberty of which America had so long been the boasted champion. To embarrass our operations in that great contest, to prevent the success of our endeavours to restore the independence of Europe, and to avail herself of the opportunity to assert her own unjust pretensions, was obviously the object of America. Hence the fatal policy of linking herself with the fallen foe of European tranquillity: hence the perfidy of her attack upon our Canadian possessions. But there she met the fate she deserved; for her invading army was speedily compelled to return defeated and disgraced within her own frontiers, while the British standard was triumphantly hoisted in her capital; and the distinguished chief who led that triumph was gloriously prosecuting his career, when, alas! the cypress was entwined with the laurel by his gallant death, in the arms of victory. But, notwithstanding the very serious and afflicting loss, and notwithstanding the other disasters stated to have occurred to

our arms, still knowing that we had the flower of the British army in America, he entertained no doubt whatever as to the ultimate result. A great part of that army had not, unfortunately, reached America in due time to take a part in the campaign; but when the season of action should arrive, when these troops, covered with laurels and inspired with the glory they had acquired on the continent of Europe, should approach the enemy under the direction of those gallant and skilful officers who had so often led them to victory, who could possibly indulge a doubt as to the event? To those who had raised the military fame of England to an unprecedented height in Europe, he would confidently trust for the attainment of our objects in America.—Then, as to the opening of the Congress at Vienna, he lamented its unavoidable delay; but, taking the past as the earnest of the future, he felt that he might most safely rely upon the satisfactory result of its deliberations; that he might confidently calculate that this result would produce a complete union of the family of Europe; that a sense of interest, which was the most powerful motive of human actions, would correspond with the feelings of humanity and enlightened views of justice, to guarantee the existence of general tranquillity; that mankind would be taught to loathe war, and to shrink with horror from all the calamities it engendered. That such would be the result of the Congress, was his anxious wish and confident expectation.—With regard to our commerce, the congratulation of the Speech upon its flourishing condition was calculated to give birth to feelings of the proudest patriotism. It was, indeed, peculiarly grateful to reflect upon the state of our trade, after all the frantic effusions of wild ambition, after all the splenetic denunciations and angry decrees against that trade, of which Europe had of late years heard so much. But still this trade had gone on and prospered; still the great resources of our wealth had been preserved; still this country had been enabled to kindle the dying embers of European liberty, and most materially to contribute to the overthrow of that gigantic power which, while it perpetually interrupted the peace of the continent, loudly menaced our total destruction. To repel this danger, to restore the peace and happiness of Europe, we had no doubt incurred great sacrifices and submitted to serious burthens; and from this reflection,

he must lament the necessity of farther sacrifices; but still that necessity being obvious, he felt fully assured that no one would be found to object to any expenditure which the establishment of substantial tranquillity, which the attainment of complete security, imperiously called for. He concurred with his noble friend in the propriety of devoting their lordships' wisdom to the consideration of our commercial system and internal resources. After a war of such prolonged duration, after the various changes which must have taken place in our relations, there must be some evils to remedy; many new arrangements must be necessary in order to benefit our condition, to ensure our advancement, to amplify and adorn the arts of peace. To these important points he had no doubt that their lordships would deliberately apply their minds, would secure the great objects of peace, and in so doing bear in mind the first duty of a government, which might be defined in the words of the poet:—

“*Parcere subjectis, et debellare superbos.*”

The Earl of *Darnley* expressed his sincere regret, that he could not consistently assent to the Address proposed. If, indeed, he could indulge the sanguine anticipations, which the youthful ardour of the noble lord who had just sat down had so fondly indulged, he might be induced to calculate upon the security and advantages of peace; but when he looked around at the many existing evils of war, when he saw a large British army in the Netherlands maintaining a hostile attitude, when he heard so much of dispute and discord among several of the continental powers, he could not, he confessed, flatter himself with the prospect which the noble lord professed to entertain. If, also, he looked to the other side of the Atlantic, and saw that through our warfare the two great discordant parties of America were decidedly united against us, especially in consequence of our mode of conducting that war, he could discover no foundation for the hopes which the noble lord expressed as to the result of our operations in that quarter. Many of those, indeed, who now heard him, were old enough to recollect, too well, the consequences of waging war against the population of America, to be very sanguine as to the event of the present contest! But there was a point of great importance not at all noticed in the Speech, or in the observations of the noble lord's opposite, to which he felt it his duty

to call the attention of their lordships in the course of the last session, and to which he should take the liberty of adverting again, namely, with regard to the conduct of our naval administration throughout the war with America. With the formidable naval force which this country possessed, and after the high fame which it had acquired when contending against the greatest maritime powers in Europe, it appeared very extraordinary, that in every instance in which an American vessel had contended against an English one of equal force, the former was victorious, with two exceptions only. But the extensive depredations upon our trade, even since our navy had to oppose America alone, appeared equally extraordinary. This case was of such a nature, that if no more competent person would undertake it, he should himself feel it necessary, in the course of the session, to submit to their lordships a motion for inquiry upon the subject. The noble earl animadverted upon the expression in the Speech as to the disposition of government to conclude a peace with America on ‘just and honourable terms.’ He could not conceive the precise meaning of this expression, or the motive of putting it into the mouth of the Prince Regent. It could not be supposed that his Royal Highness would be disposed to make peace upon any other than just and honourable terms; but it might be that those terms which would be deemed just and honourable for us, would be very differently esteemed by America. Whether it was meant to press for such terms as America should so esteem; whether the terms in contemplation referred only to our maritime rights, or whether it was proposed to insist upon any territorial cession by America, he could not pretend to divine; but if the latter, he trusted that the war would not be pursued in support of any such unwarrantable pretensions. As to the Congress, assembled at Vienna, he there, too, thought the last noble speaker too sanguine in his calculations: for he very much feared that the time for accomplishing the greatest good was gone by, after the treaty of Paris. After the stipulations of that treaty, who could calculate upon the abolition of the Slave Trade? The powers engaged in the Congress, who had no colonies, might express themselves very humanely upon this subject; but he very much feared that France, possessing colonies to which she deemed the continuance of the Slave Trade of

vital importance, would not be induced to abandon the engagements of the treaty of Paris. Therefore, his calculations upon the result of the Congress had no affinity to that of the noble lord. On these grounds he could not give his unqualified support to the Address; and although he did not mean to propose any amendment, he had felt it his duty to express his opinion upon the subject.

Viscount *Melville* said, that he felt himself called upon to trouble their lordships with a few remarks, in consequence of what had fallen from the noble earl, relative to the naval administration of the war with the United States of America. He had not, however, a little to complain of the manner in which that noble earl had stated his charges, they being of that general character that he knew not what precise point it was that was aimed at by the noble earl, nor to what particular period or circumstances the noble earl alluded. If the noble earl meant to refer to the general conduct of the naval war with the United States of America, it was certainly true that America having no fleet, there could be no splendid victories obtained. If, however, the results of the contest in naval captures were looked to, the noble earl must surely be convinced that there was no ground whatever for censuring the Admiralty, or the conduct of the navy. When it was known, as was the fact, that upwards of 200 of the enemy's vessels of war and armed vessels, had, since the commencement of the war, been captured, it must at once be evident that our navy had not been inactive. The noble earl, he trusted, would bear this fact in his mind when he brought the subject under consideration. As to the statement of the noble lord, that wherever we had a naval contest with the Americans with an equal force, it had uniformly been to our disadvantage; he could assure the noble earl, that although accidents might sometimes happen, it was entirely a mistake; and he would ask the noble lord whether it was any proof of the inefficiency or inactivity of the British navy, that since the commencement of the war with America, it had captured 38 of the enemy's vessels of war, from the largest to the least size, and 199 private armed vessels of all descriptions. Did the noble earl mean to urge that the commercial marine of the enemy had not been sufficiently attended to? If so, he could tell him, that of the enemy's commercial vessels, it was as-

certain that 900 had been captured since the commencement of the war, and brought into the ports of the United Kingdom. With respect to this number the accounts were certain, though some of them not official; but it was also known from other statements, which might be relied upon, that the whole number of commercial vessels captured from the enemy amounted to 1,900. It was also a fact, that 20,000 American seamen were now lodged in British prisons. He asked, then, whether the noble earl, with these facts before him, could justly charge the Admiralty with inactivity or inefficiency. Did the noble earl mean to charge the Admiralty with not sufficiently protecting the commerce of our merchants? He was aware that much had been said upon this subject; but he was also aware, that whatever might be said, the Admiralty were fully acquitted of all blame. It must inevitably be the case when the whole force of an enemy was devoted to privateers, that our entire fleet, wherever stationed, could not prevent the capture of some of our merchant vessels. Their lordships were aware, that a situation of affairs similar to this occurred in the war at the accession of his present Majesty. He did not refer to this period with any view of arguing, that if there was misconduct on the part of the Admiralty then, it would justify misconduct on the part of the Admiralty now; all he meant to urge was, that similar causes would produce similar effects. The year 1759 their lordships need not be ashamed to compare with the most brilliant period of the late war, for successes of importance obtained over the enemy; the navy of France was annihilated, and their whole force devoted to privateering. The consequence was, that the next year a number of our commercial vessels were captured. This was a period, their lordships were well aware, that would bear no comparison with regard to extent of commerce with the present; and yet he had found upon inquiry, that the captures at the present were little more numerous than those at the former period. But let the whole number be inquired into, that were said to make up the loss from the peace of Paris down to the last month. No regular returns had, it was true, been yet received; but the number and nature of those losses might be pretty fairly ascertained from Lloyd's List, and other sources; they were said to amount to 172. Noble lords knew that the ships going to

foreign parts alone, were liable to be forced to sail with convoy; the coasting trade had none. Yet of the ships which left the British ports, many were running ships, which went off without waiting for protection, and ran all hazards. Their loss had, of course, nothing to do with the care or negligence of the navy. Of the 172 missing, it was ascertained that no less than 94 were running ships: of the rest there sailed and separated, whether from stress of weather or wilfully, no less than 38; and it was known perfectly, that no convey returned without perpetual complaints on the part of the officers, of ships breaking away from their protection. During this time, the whole number of the coasting vessels captured, whilst under the protection of the Admiralty, amounted to eleven. He felt as if he was detailing all this unasked: but till he heard some distinct question, he could not know what to answer. One observation, indeed, the noble earl made, which he could understand. It was actually asserted, that wherever our ships met with an equal force of the enemy, they were beaten, except in a few instances. He could assure the noble earl, that he was totally wrong in his statement. If any of the noble earl's allusions touched on the war in Canada, he believed that it was impossible, for the present, to give him the information which he might desire, and must be so till the regular details should arrive. At present, the only narrative was to be found in the authority of American newspapers. But when the noble lord brought forward his inquiry in a regular shape, he trusted to be able to satisfy him on the full question. As to Canada and the war on the Lakes, he would find that not only all demands and requisitions for that service had been complied with, but that they had been in almost every instance anticipated, nay, anticipated twofold. But in all observations on those distant operations, it was to be recollected, that our supplies were drawn from an immense distance, while those of the Americans were at their own doors. That war had grown into magnitude: to make the efforts of the country such as they ought to be, and such as they must be, great difficulties, great delays, great expenditures must be looked to. He was, however, ready, he was prepared to meet the noble lord (Darnley) on the plain merits of the question, and he had no doubt of satisfying the mind of the country.

Lord Grenville rose and said: My Lords, without entering into the details offered by the noble viscount, I can assure him, without any exaggeration, that a very strong and universal impression prevails, that there has been misconduct and neglect in the management of the naval war with America; but however indignant I have felt at seeing the glory of the British navy tarnished by the naval victories of the Americans—whatever regret I have felt at the impression produced in Europe by this disgrace of the hitherto-unconquered navy of Great Britain; or however I have been convinced that the impression thus produced is, in reality, most detrimental to our true interests, I can still assure the noble viscount that I will come to the inquiry;—which must of necessity take place, and that on an early day;—dispassionately, impartially, and without prejudice, to consider coolly and deliberately all the circumstances connected with these events.

My lords; it has always been my wish, upon these occasions, to express, if I could, my concurrence in and approbation of the Address. Upon this occasion, however, I cannot approve of the Address; and there is one passage in it in particular in which I cannot concur. If any thing could have induced me to concur in it, it would have been the eloquent and feeling speech of my noble friend who seconded the Address, whom I congratulate upon the display he has this night made, and I also congratulate the House upon the promise therein given by one who bids fair to be one of its brightest ornaments. Notwithstanding, however, the eloquence of the noble lord, I cannot conscientiously concur in this Address. It might have been expected, after the termination of a war in which unexpected and providential events brought about results of the happiest tendency that could not previously have been calculated upon—it might have been expected, that when every one was naturally looking to the consolidation of that peace and the cessation of our gigantic efforts, the Speech from the throne would have made some allusion to the diminution of burthens and the cessation of efforts. Instead of this, we find a large expenditure mentioned, and new and increased efforts called for: not even an allusion is made to the diminution of those burthens which were laid on under a solemn pledge that they should continue no longer than until a certain period after the termination



of the war. Is it not, then, imperative that some grounds should be laid before parliament to shew why these increased efforts are called for—why this additional expenditure is necessary? and this, of course, involving all the circumstances that relate to the conduct of the war with America. Unfortunately, too, we have nothing in the Speech from the throne to point out to us any hope of the termination of the war. The expression used indicating a readiness to make peace with the United States upon just and honourable terms, is an expression which certainly might as well have been spared. Of course, no ministry would consent to, nor would parliament or the country sanction, unjust or dishonourable terms; but the expression leads to no indication whatever as to the greater or less hope of an amicable adjustment. It might naturally have been concluded, that as by the termination of the war in Europe there was an end put, practically, to those questions which involved the cause of war with America, little remained to offer any impediment to negotiation. To continue a war for the sake of an abstract theory, is idle and absurd; experience having shewn, that when a war commences, the theory, however previously settled, becomes of no avail against the practical questions that arise out of the then situation of affairs.

My lords; it is said that America was the aggressor, and in this I sincerely concur. When, by the repeal of the unjust Orders in Council—and which I shall ever characterise as unjust—the causes of war were in fact removed, I entirely agree, that America, in then making war, became the aggressor; and that is my decided opinion. Her making the grounds of war also questions which struck directly at our maritime rights, rendered it, on our part, the war of the whole country in support of those rights; and I believe upon that point there was but one opinion in parliament and the country. Let it, however, be ever so much a war of aggression, that is no reason why it should not be terminated amicably by negotiation. The practical questions that were in dispute were done away by the termination of the war in Europe; and there seemed to remain little else than for each party to return to a state of peace and amity. If any new questions have arisen, we have upon this point no information. Report has alluded to a supposed demand on our part of a new frontier, to secure to us the undis-

turbed possession of the Lakes. My lords, former governments never thought of any other preponderance on the American waters, than that acquired by our naval superiority; and I can tell the noble viscount, that however indignant every one must feel, that however painful it must be to every British bosom, to see English frigates strike their flags to American frigates; that although the merchants of Britain may complain, and justly complain, that the British islands are actually blockaded by American privateers; though they may transmit representations upon representations to the noble viscount, and though, these not being sufficiently attended to or satisfactorily answered, they may carry their complaints to the foot of the throne, still that all this is far inferior in importance to the disasters we have sustained on the American waters. It will be of no avail for the noble viscount to say, that he has not the details; the war was long anticipated, a long period has occurred since, and it was the imperative duty of the ministers to have secured, by every means, the British preponderance upon the Lakes, which is of the most essential importance. He ought, however, to be now informed for what the war is continued; its legitimate object ought to be the attainment of peace. I trust the war is not continued for the gratification of resentment or revenge, or to shew, as has been said, what the power of this country can effect. The questions which were the original grounds of the war have passed away. If the war is continued for another object, information upon that point ought to be laid before parliament, in order that parliament may be enabled to judge of its expediency, or whether it is fitting that further efforts on the part of the people should be called for its prolongation.

My lords; with respect to the military enterprise during the late campaign in America, it is my wish to do ample justice to the skill, the courage, and the valour of our commander, our officers, and our forces; all the military qualities attendant upon the gallant enterprize against the city of Washington excite my highest admiration, and lead me deeply to lament the subsequent fall of the gallant commander. Notwithstanding, however, all my admiration of the enterprize, there were some circumstances attending it, which, however painful the task, I feel it my conscientious duty to advert to. It

has been for centuries the great object of the powers of Europe to mitigate as much as possible the horrors of war, by directing the pressure of it from government against government, and preventing the infliction of misery upon unoffending and innocent individuals. This object had been in a great degree accomplished, and your lordships will recollect, that though, during the last twenty years, nearly all the capitals of Europe have been successively in the hands of an enemy, and most of them in the hands of that enemy whom we justly accused of again giving to war that savage and ferocious character, from which it had long been sedulously endeavoured to rescue it; yet, in no instance, except in the case of the Kremlin of Moscow, were any unmilitary buildings destroyed. With respect to the destruction of the Kremlin, it may perhaps be justified, on the ground that Buonaparté had himself converted it to military purposes; but the conflagration of it may be more justly attributed to the anger of disappointed ambition. In the case of Washington, our force first proceeded to destroy the naval arsenal, in which they were fully justified by all the laws of war; they also, as it is said, destroyed a house from whence our troops were fired upon, after the protecting military force had withdrawn, and we were understood to be in quiet possession of the city; in this, likewise, they were fully justified. They next, however, proceeded to destroy the house of assembly, where the congress or legislative body of the United States assembled, and the palace where the chief executive magistrate of the United States resided—buildings which were not used for any military purpose. It has been alleged, that this destruction of unmilitary buildings was justified on the ground of retaliation; but no document has been published justifying it on this ground. A proclamation, issued by sir George Prevost, stated that the destruction of a town was determined upon, in retaliation for similar conduct on the part of the Americans; but this applied only to that one town, and cannot be applied to the justification of the destruction of public buildings at Washington. In fact, therefore, no public document whatever has appeared to justify that destruction at Washington; and the American president, in a proclamation to the people (much of which I disapprove, as being too much like some of the language used here), has,

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I fear, the advantage upon this point. There is, in truth, too much reason to believe that the destruction of the public buildings has tended to unite against us the American people. I trust it will be a lesson to us for the future, to endeavour, at all times, to mitigate the horrors of war, if we cannot lessen its evils.

My lords; in stating what I have said on this subject, I greatly deplore, nor had I foreseen the necessity of mentioning it at all. I had concluded that the moment when peace was signed in Europe would have been the term of the war between America and this country. I cannot divine what grounds can subsist for the continuance of the contest between the two nations. But if, from the continuance of the unjust spirit in which the American government began the war, that war has not yet ceased, I implore your lordships not to neglect or abandon to chance these two violations of two distinct principles, on which the wars of modern times have been conducted—the first, that private or non-military buildings shall be respected; the second, that the efforts of the government and the commanders should be employed to lessen instead of increasing the calamities of war; and that their exertions should be directed, not against unoffending individuals, who have no share in the hostilities, but against the governments which are the causes. In this situation, ignorant as I am of the grounds on which the war with America rests, I shall make no remarks on the great expenditure which its continuance renders necessary; but I must observe, that in this, as in the former contest with America, the difficulties of such a contest have been considerably under-rated; and that they are not yet sufficiently apprehended I have reason to believe, from the triumphant language made use of in this country: such language I have always deplored.

The next subject of the Speech, and of the Address, relates to the delays which have attended the opening of the Congress at Vienna. The causes which have delayed this event will prove, I trust, to have been unavoidable; but not one month, not one week, nay, I will say, not one day, has elapsed before the opening of the Congress, without a corresponding detriment to the interests of this country, and a diminution of our influence on the negotiations. I cannot deny that the delay has been unavoidable, for I know nothing of its cause; but, if avoidable, it is

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much to be censured; and if it has been unavoidable, it is an unavoidable but a very great calamity—a calamity as to our political interests in the negotiation—a still greater calamity as to the future interests of Europe; for I know not one power, the interests of which would not have been better settled, if they could have been settled at an earlier period. That such is the case will be obvious to every person, on looking at the subject with faculties unshackled. On another ground, this delay is much to be deplored. In the Speech from the throne, the omission most surprising is this: the approbation of parliament has been called for, on the conduct of the American war, and their congratulation on the state of affairs in Europe; and yet, a most extraordinary fact has not even been alluded to; namely, that after the conclusion of a definitive treaty of peace, under the pressure of taxation, which the continuance of the American war entails, we are actually keeping on foot, on the continent, an army of 40,000 men. What is the reason of this continuance of warlike exertions? What examples can be shown in former times of the maintenance in time of peace, of an army, partly British and partly foreign, on the continent of Europe? Where is there one example of such conduct? Yet this is not held of sufficient importance to communicate to parliament. We are to deliberate on the war with America; we are to deliberate on the state of Europe; yet this most important fact is concealed from us! Good God! My lords, is there an instance of such a suppression? What example is there of the adoption of such a measure, without previous application to parliament? Our ancestors have often deliberated as to the degree of interference in foreign politics, which in the government of this country is justifiable: what that degree is, I shall not pretend to determine; it is by the peculiar circumstances that it must be fixed. Yet it was never at any period asserted, that in a time of perfect peace in Europe, it would be justifiable to keep on foot an immense army on the continent. But if the power of the present circumstances is such as to overcome the almost unsurmountable objections to such a measure, there can be no circumstances which can have authorized his Majesty's ministers in not having previously communicated it to parliament. When, in the last session of parliament, anxiety was expressed as to the immense

expenditure of the country, and the necessity of reducing the burthens which press on the community was strongly urged on the government, we were told, that enough would be done; that we should judge the government by its acts; that when we again met we should see that enough would have been done to meet our wishes. But was one word said to hint, that in the interval a new army was to be formed in time of peace on the continent? I will not say that no circumstances can justify the formation of this army; I will not even say that the circumstances of the present times do not justify it—but I will affirm, that nothing can justify its being concealed from parliament. If such a measure was taken, it should have been done by parliament; at least, the intention should not have been concealed from parliament; and least of all when parliament was assembled, should we be informed of the state of the war in America, of the state of our affairs in Europe, and yet left in ignorance of this most stupendous fact, that an immense army is kept on foot by us on the continent, in the midst of perfect peace in this quarter of the globe.

My lords; I cannot sit down without expressing it as my opinion, that an Address of unqualified exultation is utterly unsuited to the present circumstances of the country. Ere now we expected to have received the price of our great exertions by a reduction from the weight of those burthens which press so heavily on us. On the subject, however, of these our internal affairs, the only intimation of any change is contained in a paragraph at the end of the Speech—an intimation so ambiguous, that though I have attended with peculiar diligence to the Speech, to the Address, and to the remarks of my noble friend who seconded it, I cannot comprehend to what it refers. Some of my noble friends near me conceive it relates to the corn laws, others of my noble friends that it refers to the bullion question. If it refers to this last question, I applaud the resolution to enter into that most important subject, the state of the circulation. This, my lords, is the consuming canker that preys on the vitals of the state. The depreciation of our currency, which by gradual augmentation year after year has reached its present state, is, I will venture to affirm, a greater cause of the depression under which the people of this country labour than all the

taxes which are paid by them. In the present state of our circulation is to be found the origin of all those difficulties, which some persons have improvidently attempted to remove by imposing duties on the import of the necessaries of life. These attempts for two years together parliament has most prudently checked. I hope it will ever discourage them. I, for one, will ever raise my voice against them. I will never consent to remedy the artificial difficulties which have been created by the neglect of parliament, by imposing a tax on the subsistence of the labouring classes of this community. I will never consent to pass laws which not only are utterly impolitic and unjust to the community, but which strike at the very root of the interests which they affect to protect. For, far from assisting the farmer or supporting the landholder, I believe that if all the catalogue of proposed measures were searched, there is not one which more certainly would bring ruin on both these classes, than the imposing great duties on the importation of grain. That the agriculture of this country labours under great difficulties, I do not deny; it is unfortunately too perfectly shown by the reports on your table. But the true cause of this depression is in the state of the circulation of the country—the true remedy is, that, unterrified by the magnitude of the subject, and not on that account indefinitely postponing it, we should proceed to the discussion, meeting with firmness the difficulties which must attend it. If, therefore, to this subject the passage in the Speech applies, I cannot but applaud it. Being on the ground, I must state, that though I cannot concur in the Address, I do not wish to be understood to object to the general complimentary part, still less to the grief expressed at the melancholy indisposition of his Majesty. Though I have objections, and irreconcilable objections to the Address, I shall not propose any amendment, since my observations principally apply to the general, profuse, and warlike character of the Speech.

The Earl of *Liverpool* rose to reply to the observations made by the noble baron who had preceded him, on the several topics which were referred to in the Address which had been moved. He saw no ground for the assertion of the noble baron, that the Speech was of a profuse and warlike cast. If it was meant that it did not hold out expectations which the

advisers of his Royal Highness did not think would be fulfilled, such a description was true. But he thought it was much more consistent with the respect due to parliament and to the country, that they should not put forth promises which they might not be able to accomplish, but to trust to the opinion that there existed in his Majesty's ministers every disposition to avoid war, when war could with honour be avoided; that they would make peace when peace could be made; and reduce the expenditure when it might be reduced with safety. On the subject of the naval administration, the noble baron had remarked on the answer of his noble friend to the animadversions of the noble earl. He concurred that the present was not the proper moment for a detail of particular measures, and especially of the conduct of the department of the administration in question. But he was surprised, after the noble baron's declaration, that when he came to the inquiry he should meet it with the spirit of a judge, that the impression produced on him by the facts which his noble friend (lord Melville) had mentioned, was not different from what it had been. It would have been fair for the noble baron to have said that these facts rested on assertion merely; but he (the earl of Liverpool) speaking as he should do, if he had been an impartial judge instead of a party in the question, never had heard a statement which *prima facie* was more satisfactory than that of his noble friend, as to the protection which had been afforded our trade, the annoyance to the enemy, as to what had been the sufferings of this country, and the general results of the war. The war on the waters of Canada was, he acknowledged, as important as that on the ocean: neither did his noble friend wish to avoid an inquiry into the conduct of it, by saying, that it was not a subject of discussion, as the noble baron who had last spoken seemed to apprehend. What his noble friend had said, was, that of the disaster on Lake Champlain he was not then prepared to enter into the discussion, as no account of the circumstances had been received either from the military or naval officers in command. The next subject on which the noble baron entered, was the negotiation with America. On this subject he would imitate the Speech and the Address, and intreat their lordships, that without knowing the course which the negotiations had taken, they would not



suppose that they turned on points which were not known to be the subjects of discussion. The Prince Regent had told them from the throne that they were still pending; and till they shall have produced some result, it would be obviously improper to enter into the discussion of the subject. By the expression in the Speech, that his Royal Highness would be willing to conclude peace on just and honourable terms—it was not meant terms honourable or just towards ourselves alone, but to both parties. These terms might, of course, differ according to circumstances; but it was meant to express, that notwithstanding the character of the aggression on the part of the United States, at a moment when we were struggling against a powerful and inveterate foe, that the Prince Regent, even under these circumstances, was possessed with no desire to grasp at extraordinary advantages, or to require more than was due in justice to the country, and to his own honour. In the allusion of the Speech to the severe pressure on the inhabitants of the United States, it was not intended to imply that such a pressure on any set of persons was in itself subject of pleasure to us, but that the circumstances which had occurred had given the subjects of the United States an idea of the cruelty of the war into which their rulers had plunged them—of horrors not peculiar to this war, but common to all such contests. The noble baron had alluded to some of the events of the campaign, and especially to the conduct of the officers, after the capture of Washington, with disapprobation. Now he could boldly affirm, that there never was a war carried on, under any circumstances, with more humanity than that which had been displayed by the British officers and British troops in the war in North America. In the campaign in Canada, except a solitary instance of justifiable retaliation, there was no instance in which our army had taken possession of American towns or territory, in which private property had not been respected. Quite the contrary was the conduct of the persons employed by the government of the United States. They had, in many cases, displayed a ferocity which would have disgraced the most barbarous nations. In one instance, a town was, in the middle of December, committed by them to the flames, and the inhabitants thus driven from their habitations into the open country amidst all the severities of a Canadian winter. On ano-

ther occasion, when the town of York, the capital of Upper Canada, was occupied by the Americans, they burnt the public buildings, and took possession of the property of the governor as such. It was a retaliation for this excess that the public buildings at Washington were destroyed; and by the Americans themselves, in their account of the occupation of that city by our troops, it had been acknowledged that the greatest respect was paid to private property. As to the capitals of Europe, the occupation of which by hostile armies had been referred to by the noble baron, they had in most or in all instances been occupied by capitulation. Washington, on the contrary, was completely abandoned by the constituted authorities, and the plunder most complained of had been committed by the negroes and other low inhabitants of the town itself. As to the proclamation of sir Alexander Cochrane, it was issued in consequence of the advices from sir George Prevost respecting the outrages of the Americans in Canada; but as some sort of explanation of these occurrences had been made by the American government, instructions had been sent to sir Alexander Cochrane, which would prevent any steps from being taken in consequence of that proclamation. The opinion of the noble baron, that the exertions of this country against America would unite all classes there in hostility towards us, was, he had reason to believe, completely erroneous. For he had seen much stronger justifications of the conduct of our forces at Washington, which had been published in America, than any that had been published even in this country. Not only were they not more hostile to us, but the reverse was the case. In places even where the British arms had been successful the people had shown themselves in our favour, and had seemed well disposed to put themselves under our protection. Far from any thing like resentment appearing to lurk against us, the inhabitants seemed sensible that on our parts the war was a war of necessity, provoked by their own rulers, and carried on by us with all possible humanity.—The noble earl then proceeded to remark on the subject of the delays which had attended the opening of the great Congress. Although it was obvious, that the sooner the affairs of Europe were decided the better, yet if the noble baron considered from what a war we had emerged, the duration of that

war, and what circumstances had happened during its continuance—that such alterations had taken place that it was impossible to restore Europe exactly to its former state, he would not think it surprising that some delay had occurred. So many previous explanations were necessary, that though it was desirable that each nation, and all Europe should know as soon as possible on what it had to depend, yet the time which had been consumed was not matter of astonishment.—As to the continuance of a British army on the continent in time of peace, he admitted that there were no examples of a similar line of conduct; but it was to be observed, that neither had he any precedent for many generations, of a war which had terminated under such circumstances as the late contest. The unusually large vote of credit, which parliament last year granted, a vote which the contemplation of the continuance of the American war was not sufficient to account, was demanded by himself, and by his noble friend (lord Castlereagh) in another place, on the distinct ground of the expediency of keeping a certain force on foot on the continent, until the affairs of Europe were finally arranged. From the peculiar circumstances of the times, there did not seem to him much danger that such a measure would be drawn into a precedent.—As to the last paragraph in the Speech which seemed to the noble baron ambiguous, the object was to express the wish of his Royal Highness that the trade of the country should be put on such a settled and regular footing, as in time of war had not been practicable. The influence of the government on the commerce of the country had, in consequence of the peculiar circumstances of the late contest, been greater than perhaps in other times would be expedient. To bring this subject to a settled footing, most expedient for the public interest, was the object of this part of the Speech. As to the state of the circulation of the country, his opinions were now as different from those of the noble baron as they had been on former occasions. He had always thought that the pressure on our circulation had arisen from the peculiar circumstances of the late war, and the events of the last six months had verified his opinions to an extent which even his friends had not expected. Even under the circumstances of the great existing expenditure of the American war, and the continuance on

foot of a large army, the course of exchange had rapidly returned to its old state. On this subject he should say nothing more; there would be many other opportunities, and it was difficult to say any thing on it without saying more than the present occasion would admit of. His lordship then said, that he had gone through the several topics alluded to by the noble baron, and saw no ground for his objections. The temper of the advisers of the Prince Regent was, that they were disposed to peace, yet not afraid of war.

Lord Grenville spoke in explanation as to a part of his speech which the noble earl seemed to have totally misconceived. He said, he had expressly stated his high admiration of the spirit and discipline of our troops engaged in the war with America. He had imputed no blame to sir George Prevost for the proclamation which he had issued: on the contrary, he thought most highly of that proclamation, which referred to the conduct of the Americans in destroying a particular town; than which a more villainous act was never perpetrated by the most ferocious savages. But sir George Prevost, if he recollected the proclamation, expressly confined the retaliation to that single instance: that officer said in substance, ‘by this retaliation I have done an act painful to my feelings, and repugnant to the received principles of civilized warfare; but here will I stop, till you compel me by some new atrocity to greater acts of retaliation.’ A juster or a wiser proclamation never was issued, and there the matter should have terminated, the whole object being at once accomplished. He was glad now to learn, that government, availing itself of the disclaimer of the American president, though conveyed in a most violent and intemperate paper, had sent out instructions to come to an explanation with the American government, which might put an end to such proceedings in future. Even now it had not been distinctly stated by the noble earl, that the destruction of the non-military buildings at Washington was in retaliation of what had been done at York. Sure he was, that no such declaration was issued at the time by our commander: but if the fact were so, it would not be unbecoming on the part of government to publish a declaration, in answer to the irritating and intemperate proclamation of the American president, which might convince all Europe that we

did not carry on war by the destruction of non-military buildings; but that the demolition of the American capital was merely an act of retaliation for what had been done at York. With respect to the observations he had made on the existence of an army of 40,000 men on the continent in the time of peace, without any regular communication being made to parliament of the fact, the answer of the noble earl was not satisfactory. He had said that the peculiar circumstances were to justify it, and that it was not likely to be made a precedent. But it was this that made him desirous that a distinct declaration should be made to parliament; for it was thus that all vicious precedents were established. A proceeding that took place on the ground of peculiar and pressing circumstances was suffered to pass; and by-and-bye it was referred to as a precedent when the circumstances which formed its justification were forgotten. He therefore thought it was the bounden duty of parliament to suffer no such important departure from the regular course of parliamentary practice.

The motion was then put, and carried in the affirmative, but with several dissentient voices; and the Address was afterwards voted.

**LORD WALSINGHAM.]** The Earl of *Liverpool* said, he had to mention, with regret, that the state of lord Walsingham's health would no longer permit him to fill the office of chairman of committees, which he had long held with so much credit to himself, and advantage to the business of that House. He now gave notice, that on Thursday, he should move an address to the Prince, praying, that he would be pleased to confer some mark of his royal favour on lord Walsingham.

Lord *Grenville* fearing he should not be able to attend on Thursday, wished to take that opportunity of saying, that lord Walsingham had conducted the business before the committees with a degree of ability, assiduity, and impartiality, that had never been surpassed.

The *Lord Chancellor* also observed, that having had the honour to sit in that House for the last twelve years, he could not feel satisfied without bearing his testimony that there was hardly an individual to whom the country was more indebted than to his lordship. His unremitting labours and impartiality had given a character to the legislative proceedings of the House,

in regard to private property, which it never had enjoyed before.

## HOUSE OF COMMONS.

*Tuesday, November 8.*

**THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.]** This being the day appointed for the assembling of parliament, the Speaker took the chair a little before two, when the Black Rod appeared and summoned the House into the House of Lords. Upon their return, the Speaker repaired to his private apartments, and the House did not resume till a quarter to four, when several new members, among whom we noticed the right hon. Wellesley Pole, took the oaths and their seats. The usual annual Bill, relating to *Clandestine Outlawries*, was then read a first time, and ordered to be read a second time tomorrow, after which the Speaker proceeded to read the Speech as delivered by his royal highness the Prince Regent. When it was concluded,

Lord *Bridport* said, that on rising to move an Address to the Prince Regent, on the occasion of his most gracious Speech, he had to regret that the undertaking had not fallen upon a person more capable of doing justice to so important a subject; at the same time, he should make his observations with a full reliance on the known liberality and indulgence of the House. He should proceed to take notice of the different topics contained in the Speech of his Royal Highness, and he trusted the House would listen to him with attention. With respect to one part of the Speech, he was convinced that every member in the House would regret as deeply as he did, to learn that his Majesty's lamented illness still continued; and that, after the lapse of another year, there should be such little prospect of his recovery. He should not occupy the time of the House, by taking a retrospect of the great political affairs which had occurred since the commencement of the last session, except so far as to contrast the present situation of the country with that in which it stood twelve months ago. Events had occurred since that time which were greater than the most sanguine imagination could have anticipated. Certainly, at that time affairs had begun to assume a brighter aspect; but no doubt could be entertained that, had England stood alone and unsupported in the contest, she could not have subdued the gigantic power of

France. But, on the other hand, it was equally certain, that without her pecuniary aid and her judicious counsels, the allies could not have succeeded in their grand and magnanimous career. Our successes had been attributed to the insatiable ambition of Buonaparté; but the praise for the conduct of the war which had so happily terminated, was most justly due to the Prince Regent and the Allied Sovereigns. Our cabinet council of that time were most truly conspicuous for their temper, their firmness, and decision; and the House must see, with the highest satisfaction, that to such temper, such firmness, and such decision, were they indebted for the present situation of the country. If we took a view of our actual condition at home, we found ourselves at peace with all the world, with the exception of America. Who could have anticipated, at this time last year, such glorious successes, such unparalleled events? They were, indeed, beyond all human expectancy and calculation.

The next topic in the Speech to which he should allude, was the present war with America. He could not but lament, as the whole country must lament the continuance of hostilities with the people of the United States; but it was highly consoling to know that the Prince Regent had assured the House, that nothing should be left unattempted which might bring this contest to a speedy termination. It was America who stood as the unprincipled aggressor in this contest; but we might reflect with pride that our successes hitherto had been unvaried. He could not but congratulate the House on these successes; for they proved that our navy and army, when united, were capable of performing prodigies of valour. Yet when had they been so united—when had they found scope for their bravery and enterprise—without performing such prodigies? Their achievements in America were worthy of the great character. The Americans had now to lament the destruction of their flotilla in the Patuxent; and the defeat of their army, which allowed a mere detachment of British troops to take the capital of their States. Yet those brave troops had been basely calumniated by Madison and his adherents, who had charged them with the plundering of private property. But never was a charge more groundless. Undoubtedly the stores and ammunition were destroyed; and if we did also destroy the public buildings

of Washington, it was in retaliation for the atrocities committed and repeated by them in Upper Canada. He had also to congratulate the House on the successes of his Majesty's arms in the more northern parts of the United States, where they had gained an extent of territory to the east of the Penobscot; an acquisition which could not fail to be of considerable importance. He could not help viewing it in the most favourable light, as one more proof to the Americans of the hopelessness, on their part, of a continuance of the contest. But while we had ground to rejoice at the victories of our arms on every part of the American shores, our triumph was damped by having to lament the fall of an officer of the highest talents and the brightest promise. In the death of this gallant commander our country had sustained no common loss. He felt that no eulogy could do justice to his distinguished merits. He could say much more on this affecting topic: but he was aware that whatever he might add, could but ill describe the sensations of himself, the House, or the country. After enumerating all the signal achievements, all the glorious deeds of his Majesty's arms, in the contest with America, it was not without regret that he must notice our late reported disaster on Lake Champlain. Much had been said on the misunderstanding which had prevailed in that quarter; and he could only wish that cause might not have existed to merit such animadversions. But although we had sustained some loss in this scite of our operations, might we not recover it? Yes, from the known bravery of the troops which would be ready to take part in the next campaign, there was no doubt in his own, or, he should think, in any mind, that we should gain the most signal advantages. A great portion of our forces were, 'it was well known, dispatched as soon as possible from Spain; yet they did not, from unavoidable causes, arrive in time to give that preponderance to our efforts which their earlier arrival would not have failed to produce.

His Royal Highness had informed the House that the opening of the Congress at Vienna had been unavoidably retarded. The day which had been fixed for the meeting was indeed now past; but even the delay might be productive of ultimate benefit to Europe, not only from the united deliberations of the members of that body, but from the known abilities



and tried talents of the noble lord who, on the part of this country, took his share in the discussions; might we not have the best grounded hopes that the glorious peace would be so consolidated as to give a lasting state of tranquillity to all Europe? His Royal Highness had directed the estimates for the ensuing year to be laid before the House. At the same time that we were called upon to make the most vigorous exertions in the prosecution of the contest with America, we had the important satisfaction of learning that the revenue and commerce of the country were in the most flourishing condition, and in a state of evident improvement: and when it was considered that a long protracted war in Europe, in which this nation bore so distinguished a part, had but lately been brought to a glorious issue, and that hostilities with America still continued, there could not be a man in the House or the country but must feel the highest satisfaction on learning that the revenue, in one branch of the taxes alone, had increased within the year, 2,600,000*l.* Was not this, indeed, a subject for exultation?

On adverting to the conclusion of his Royal Highness's Speech he could not but observe, that the war which had just been terminated had this peculiar character, that it had affected the interests of all the countries engaged in it. But this had ever been the natural consequence of all wars, and it must therefore be expected that the state and claims of those countries would require the utmost attention. This it was certain they would receive, under the combined wisdom and unanimity of the Congress; and he trusted that meanwhile the House would be convinced of the necessity of adopting those measures which would be most conducive to the public welfare. His lordship then added, that he was aware that he had failed in doing justice to the important task which he had undertaken: he was aware that he had not merited that great attention with which he had been heard; but, deeply impressed with the partiality of the House, he would conclude with moving,

"That an humble Address be presented to his royal highness the Prince Regent, to thank his Royal Highness for his most gracious Speech:

"To express our lively participation in the deep regret of his Royal Highness at the continuance of his Majesty's lamented indisposition.

"To assure his Royal Highness, that, while we lament that his Royal Highness is not hitherto enabled to announce the termination of the war between this country and the United States of America, and although we are satisfied that this war originated in the most unprovoked aggression on the part of the government of the United States, and was calculated to promote the designs of the common enemy of Europe against the rights and independence of all other nations, we gratefully receive the assurance of the sincere desire which his Royal Highness has never ceased to entertain to bring it to a conclusion on just and honourable terms:

"To thank his Royal Highness for the information that he is still engaged in negotiations for this purpose, the success of which, we are sensible, must depend on his Royal Highness's disposition being met with corresponding sentiments on the part of the enemy:

"To congratulate his Royal Highness on the brilliant and successful results which have attended the operations of his Majesty's forces by sea and land in the Chesapeake:

"That we have learned, with the most lively satisfaction, the destruction of the enemy's flotilla in the Patuxent, and the signal defeat of their land forces, by which a detachment of his Majesty's army was enabled to take possession of the city of Washington; and that the spirit of enterprise which has characterized all the movements in that quarter, has produced on the inhabitants a deep and sensible impression of the calamities of a war in which they have been so wantonly involved:

"That we cordially participate in the pleasure expressed by his Royal Highness at the equally satisfactory termination of the expedition directed from Halifax to the northern coast of the United States, the successful course of which has been followed by the immediate submission to his Majesty's arms of the extensive and important district east of the Penobscot river:

"To assure his Royal Highness that we cannot advert to these events without rendering full justice to the valour and discipline which have distinguished his Majesty's land and sea forces; and that we join with his Royal Highness in regretting the severe loss which the country has sustained in the fall of the gallant commander of his Majesty's troops in the advance upon Baltimore:

"To express our satisfaction in learning that his Royal Highness availed himself of the earliest opportunity afforded by the state of affairs in Europe, to detach a considerable military force to the river St. Lawrence; and that, notwithstanding the reverse which appears to have occurred on Lake Champlain, his Royal Highness still feels a confident expectation, as well from the amount as from the description of the British force now serving in Canada, that the ascendancy of his Majesty's arms throughout that part of North America will be effectually established:

"To return our thanks to his Royal Highness, for informing us that the opening of the Congress at Vienna has been unavoidably retarded; and to express our firm reliance on the earnest endeavours of his Royal Highness in the negotiations which are now in progress, to promote such arrangements as may appear to be calculated to consolidate that peace which, in conjunction with his Majesty's allies, his Royal Highness has had the happiness of concluding; and to re-establish that just equilibrium amongst the different powers, which will afford the best prospect of permanent tranquillity to Europe:

"To return our humble thanks to his Royal Highness, for having directed the estimates for the ensuing year to be laid before this House:

"To congratulate his Royal Highness, on the flourishing condition of the revenue and commerce of the united kingdom:

"To assure his Royal Highness, that, while we regret the necessity of a large expenditure, we are sensible that the circumstances under which the long and arduous contest in Europe had been carried on and concluded, have unavoidably led to arrears, for which this House cannot but see the necessity of providing, as well as for the continuance of those exertions which the war still subsisting with America renders indispensable:

"That we are aware that the peculiar character of the late war, as well as the extraordinary length of its duration, must have materially affected both the internal situation of all the countries engaged in it, and the commercial regulations which formerly subsisted between them:

"That, under these circumstances, we shall not fail to proceed with due caution in the adoption of such regulations as may be necessary for the purpose of extending our trade and securing our advantages; relying, with perfect confidence, on the

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cordial co-operation and assistance of his Royal Highness, in every measure which is calculated to contribute to the prosperity and welfare of his Majesty's dominions."

Mr. *Graham* rose, and addressed the House, in a maiden speech, to the following purport:—Sir; in offering myself to your notice, for the purpose of seconding the motion for an Address to his Royal Highness, I feel it as a satisfaction that the several topics contained in it have already been fully laid before the House by the noble lord who has preceded me; for although, on that very account, it may be the more difficult (particularly for one totally unpractised in public speaking like myself, and feeling, as I do, a considerable degree of embarrassment) to offer any observations that may prove worthy of your attention, yet I shall receive this important benefit, that the House being fairly in possession of the subject, whatever imperfection may attach to my remarks, they will at least have the advantage of being understood. In alluding to the first topic of his Royal Highness's Speech, I am sure there is no person in this House whose feelings did not beat in unison with those of the noble lord, when he expressed sentiments of regret at the continuation of his Majesty's illness; but, Sir, we have at least the consolation of reflecting, that, if it were permitted him by Providence to behold what was now going on, those measures which he had always pursued, to oppose the encroaching power of France, and to restore the balance of Europe, had been pursued by his successor, and had finally brought about those objects which he had always held nearest his heart. These measures have produced peace in Europe, honourable to ourselves and the world—a peace which has rescued whole nations from the grasp of oppression, and restored them to security and independence.

But, Sir, though we have restored peace in Europe, the flame of war still rages in America—a war into which the desperate ambition of the American government has unfortunately hurried us. In vain, Sir, were all our efforts to avoid this alternative—vain was our forbearance for several years, to all the aggressions of that country. But, Sir, I hope that the negotiations at Ghent may be able to bring that government back to a just way of thinking, and that the spirit of conciliation which we have uniformly set an example of,

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will be imitated by them. But if these negotiations should fail, which I hope to God they will not; but if they should unhappily fail, we shall then return to the contest with the pleasing conviction of having used our efforts to avert the calamities of war, and put a stop to the outrages on humanity. And, Sir, in confirmation of our spirit of conciliation, I appeal to the whole of our correspondence with America, I appeal to the unanswerable declaration of his Royal Highness at the commencement of the war; nay, Sir, I appeal to the violent proclamations of the president, and to the time at which he chose to declare war against us. When the late ruler of France, actuated by the most inveterate hatred against this country, was meditating a deadly blow at our maritime superiority, by the invasion of Russia; when surrounding nations stood astonished and dismayed at the immensity of his preparations, and already beheld in idea the subjugation of that vast empire; nay, Sir, when many persons, even in this country, thought her resistance was impossible; then was the time that the government of America, like the assassin who steps forth only in the darkness of the night, insisted upon claims and pretensions, which, at any other time, she dared not even to have whispered; expecting that this country, encumbered by the weight of the continental war, and almost struggling for her existence, must necessarily consent to all her conditions.

But, thank God, Sir, the firmness of his Royal Highness's ministers delivered us from that necessity: they would not desert those principles which had raised this country to such a pre-eminence: to those principles they adhered, and by means of those principles they had the satisfaction, not only of having saved their own country, but of having restored liberty to Europe. But what, Sir, could have been the object of the American government at that time? By what spirit could it have been actuated? For the position of America, remote from the seat of contest, unmixed with continental politics, would have enabled her to have profited by those peaceful arts which would soon have raised her to high rank and consequence among the nations of the world. But the crooked policy of her government, instigated by the superior cunning of Buonaparté, ungenerously taking advantage of the difficulties of Great Britain, endeavoured to wrest Louisiana from her allies, with the

further hope of adding Canada to a territory already, perhaps, too extensive, made her desert those principles which her interests, and almost her very existence demanded. But, Sir, the mere envy of our maritime superiority caused her to desert the only principles which could have insured prosperity to her states. And is it possible that the American government could be so regardless of the interests of its country—so blind to her future prospects—as to wish to break down the only barrier which protected her from the power of France?

But the president of the United States hoped to build his greatness on the ruin of Great Britain. He expected to succeed to her superiority—a superiority which has been only exercised for the defence of the liberties of mankind; but he might have seen that the ruin of this country would only have been the immediate precursor of his own, so immediate, that he would not have had the time to indulge in those vain dreams of conquest which seem so much to have dazzled his imagination. From these dreams he did not awake, till our successes in the Chesapeake, and the victory at Bladensburgh, roused him to a dreadful reality; he awoke but to behold the ruin into which his fatal measures had precipitated his country, and see his capital abandoned to the mercy of the conqueror. And I cannot conceive any thing more dreadful than the feelings of that man, when he beheld the triumphs of that country which he had been endeavouring to degrade; when he beheld his boasted battalions, which were to have covered him with glory, flying before inferior numbers, and leaving the boasted seat of his empire to all the horrors of devastation. But, Sir, though he who ought to have protected and defended his capital, had deserted it in the hour of danger, yet the conqueror, indulging those feelings which are ever inseparable from true valour, checked the fury of his troops, though still eager for the battle, and glorying in the heat of victory; thus affording a memorable example of British discipline and British humanity. For this victory was not sullied by any of those ordinary, and sometimes almost unavoidable excesses attendant upon war; but it was distinguished by a spirit of forbearance and humanity, so conspicuous as to draw forth the applause of the enemy himself. I allude to the dispatch of commodore Tingey; and I have the greater satisfaction

in doing this, from having observed the attempts of the president to inflame the minds of his countrymen, by representations of an opposite tendency, in a style the most unwarrantable and most unjustifiable. The sensation created through the country by the capture of Washington, the towering hopes of the government turned into dismay, his efforts paralyzed, and his further operations rendered vacillating and feeble, are glorious testimonies to the success of this well planned and ably executed expedition.

But, Sir, it is not only in this quarter that the enemy has felt the effect of our operations; in a most important expedition we have acquired in another part of America, a security to our possessions, and a sufficient barrier against any future aggressions of the Americans: I allude, Sir, to the conquest of the territory between the rivers Penobscot and Passamaquaddy; an accession of territory in every point of view most important to Great Britain, both as a military frontier to Canada, and a powerful naval station, which will enable us to maintain a superiority in the American seas, necessary for the protection of our possessions in that quarter of the globe. And here, Sir, in contemplating these operations, we cannot but be struck with admiration at the zeal and valour of his Majesty's troops, and the activity, enterprise, and knowledge displayed by their leaders; and however I may be deficient in doing justice to their merits, yet I am confident that this House and the country will never be forgetful of services of such importance and of such an arduous nature, and which have carried the fame of their country to a height unparalleled in the annals of warfare. Your eloquent language, Sir, has taught us to look forward to the day of battle as to the day of victory. But in the fatality of human occurrences, our congratulations are occasionally chequered with regrets at accompanying events; and if at any time we may be allowed to mingle feelings of sorrow with those of triumph, it is when the successful career of early ability is prematurely arrested in its progress—when we have to lament the fall of him, whose early exertions in the service of his country, whose valour, zeal, and ability had endeared him to his troops—instructing them, to use your eloquent expression, to look forward to the day of battle as to the day of victory. But his name will be enrolled amongst those heroes who have ornamented

the page of our history, though he fell at a distance from his native country, unwept by those who loved him; yet the most precious tears are those with which heaven bedews the unburied head of a soldier.

Sir, there is another topic in his Royal Highness's Speech which it is impossible to overlook, and difficult to pass over in silence. I mean, Sir, the allusion to the reverses which we are stated to have suffered on Lake Champlain; and we have been so long accustomed to the full tide of victory, and so unused to any thing like check in our military operations, that the report of these reverses has caused a greater sensation of surprise throughout the country than at any other time could have happened. But, Sir, as yet we have no information of the particulars, and I cannot give implicit confidence to the statements of the American government, which, naturally anxious to wipe away the disgrace they have received at Washington, would magnify any little advantage into an affair of the highest importance. But we may feel confident, however they may boast of a partial success, that the troops now sent out will retrieve any loss we may have sustained, and prove that those laurels which have been so nobly acquired in France, will not wither in America. We can only lament that, from the late political circumstances in Europe, those victorious troops could not sooner have been detached to give a favourable turn to the campaign in Upper Canada; but I appeal to those momentous events then transacting in France, so material to the vital interests of Europe, whether it would have been prudent or safe to have withdrawn them before the signature of peace had released us from the necessity of maintaining our positions in that country.

In the general review of the course of political events of Europe, one of the most interesting to this country, is the meeting of the Congress at Vienna, for the arrangement of affairs, and the settlement of the respective claims or pretensions of the different powers of Europe. The ever-varying circumstances of the world, after a warfare of twenty years duration, distinguished as it was by such violent and flagrant acts of dismemberment and usurpation, must necessarily require a deliberation, a firmness, and an intelligence to establish that balance of power so necessary to the tranquillity of Europe. And if there are any persons in this House who,



from an over-anxiety to terminate the calamities of war, could have wished this arrangement to have been settled at the signing of the treaty of Paris, I will beg them to reflect for a moment, whether the period when the minds of men were still inflamed by animosities, was the proper one to proceed to a discussion of the several interests and several different powers; whether they could then have established all their arrangements on a permanent basis, in a period so short, and with means of information so inadequate as they would then have been supplied with? But, Sir, now that animosities are forgotten, and a true cordiality has arisen in the breasts of all the powers, we may look forward with confidence to a full, fair, and impartial consideration of the important interests of Europe; we may repose satisfied in the result of their deliberations, as arising from the dictates of reason, and not the offspring of hurry and precipitancy. With regard to the internal situation of the country, I cannot but agree with the noble lord in congratulating the House upon that part of his Royal Highness's Speech which alludes to the increase of the revenues.

Sir, as the great power of all countries necessarily arises from the extent of their resources, I cannot but join the noble lord in congratulating the House on the augmentation of the revenues—a circumstance which reflects the highest credit on the order, regularity, arrangement, and the excellent management of every department of that complicated system. That arrears of great extent should exist after a war of such unprecedented duration, attended with such an enormous expenditure, cannot but be a matter of surprise to any one; but it must be a subject of congratulation, that the faith of government has always been thought inviolable with the public creditor; that the resources of the country have not only equalled its exigencies, but likewise have enabled the government to stretch forth a protecting hand in assisting the nations of the continent to successfully oppose the gigantic power which threatened the peace, the liberties, and the independence of Europe. And if we look around us, and compare our revenues with those of the other nations of Europe, we shall be perfectly satisfied that we owe our superiority, in a great measure, to the freedom of our government and the blessings of our constitution. As the resources of the king-

dom originate, in a great degree, from our commerce, its commercial prosperity and regulations should be a subject of serious deliberation and great importance. The various fluctuations to which the vicissitudes of the times have subjected all commercial affairs, during a war particularly levelled at our commercial prosperity, must necessarily have created difficulties in all our establishments, and occasional interruptions in all our manufactories. The difficulties, however, are gradually subsiding, and commerce has once more begun to resume its former importance. Those monuments of ability which exist in all our manufactories, and those combinations of science, capital, and industry, which have rendered our commerce the envy and admiration of the world, are established on a basis too permanent not to insure their prosperity with the increasing tranquillity of Europe.

After a short pause, the Speaker was proceeding to put the question, when

Mr. *Whitbread* rose and said, that as no other member seemed disposed to make any remarks on the Address which had just been moved by the noble lord, he felt it incumbent on him to trouble the House with some observations on the Address; and as preliminary to doing so, to express his surprise that neither from any thing in the Speech itself, nor from the mouths of any of his Majesty's ministers who were members of that House, had they learnt the reason for calling parliament together at so early a period. The House had, indeed, been told of the necessity of making great exertions, as well as of providing for the arrears of our military expenditure on the continent: but these were circumstances which could not have been unknown to the directors of our finances at the end of the last session; they could not have been unknown to the right hon. the Chancellor of the Exchequer; they could not have been unknown to the noble lord at the head of the Treasury. For one, he did conceive that parliament, during the last session, in contemplating both the necessary expenses of the country and the payment of those arrears which every child must have known had accumulated, had provided for a period far extending beyond the present. At least, therefore, it was to be supposed that the right hon. gentleman and his colleagues would have recommended the insertion in the Speech of some paragraph explaining the cause of the failure of their financial

expectations. It was true, that rumour had loudly announced the blunders of the right hon. gentleman in finance. The funds had experienced a depression, from the public expectation that the necessity for a new loan would be announced on the meeting of parliament; but during the whole of the past time, and up to the present period, no explicit declaration had been made on the subject; and it might be that even the humble individual who was then speaking, would be unable to extract from the right hon. gentleman, or from his new assistants, or from his old colleagues, any satisfactory information with respect to it. Unquestionably, the anticipations of the public as to the financial projects of the right hon. gentleman were any thing but exhilarating; and it was expected that it would be announced what money considerations (for notwithstanding the silence of the Speech, he was convinced that money considerations were the real cause of their assembling) had occasioned the convening of parliament at so early a period. Before they parted, however, that evening, he did hope that the decorum due towards that assembly by which the money of the people was voted, would induce the right hon. gentleman to say if money was actually wanted, and if so, for what purpose?

There were, he said, other questions of a public nature, which every observer of passing events must see the necessity on the part of his Majesty's ministers of answering: there were topics in the Speech and in the Address, to which, notwithstanding the moderation of the noble lord who had moved, and of the hon. gentleman who had seconded the Address, it was impossible for him to agree. Brought back to the ancient discussion, whether or not the provocation to war had been given to this country by America, parliament were now called upon to vote that the whole evil of the present contest was attributable to that country; and that Great Britain had no blame whatever in originating a destructive war, which pressed hard upon our finances, which invaded the sacred rights of humanity, and which filled with sorrow all the lovers of freedom, who saw two free nations thus committed to implacable hostility. He would not repeat all he had so often asserted in parliament on that subject; but he would say, that his opinion remained unchanged with respect to the cause which had produced the rupture, and he must

therefore protest against that clause of the Address in which the supposed cause was described. The real cause of the commencement of the war with America was to be found in the weak councils of this country.

But, setting this aside, it was material to consider what was the situation of this country with respect to America at the present moment. The noble lord and the hon. gentleman must excuse him, if he could not subscribe to the justice of all they had asserted on this subject. They had brought before the House the conduct of the contest with America: the noble lord in particular had assured the House (how he had obtained his information, or how he was authorized to give the assurance, he (Mr. W.), would not enquire, not wishing to press hardly upon the noble lord, who had shewn so much modesty), that nothing had been left undone by his royal highness the Prince Regent, and his Majesty's ministers, to bring the contest with America to a successful termination. He would inquire of the noble lord, he would inquire of any of his Majesty's ministers who were in that House, what was the grand difficulty at present in the way of accommodation? What was the present cause of the contest? Before paying the price of the battle, it was fitting that the country should know for what it was fought. Adverting to the Declaration issued at the commencement of the contest, without renewing any discussion of the character of that Declaration, he would ask, if the causes therein stated for the war were the causes which at present existed? Were we at war for a boundary? Were we at war for the impressment of seamen? Were we at war for any of our maritime rights which America would not acknowledge? If the last, had those rights been distinctly defined at the congress at Ghent, and had we expressed a disposition to treat with America on that subject, as we were disposed to treat with the powers of Europe?

The noble lord had referred to the whole of the correspondence which had taken place, before the commencement of the war, between our foreign office and the American minister, for proof of the pacific disposition of Great Britain towards America. In that part of the correspondence which had been carried on by a right hon. gentleman, whom he was astonished not to see in his place in that House (Mr. Canning), so far from there being any

thing of a pacific tendency, it appeared to him, as he had often told that right hon. gentleman to his face (he wished he could do so again that evening), that it was any thing but pacific. He repeated his astonishment, that the right hon. gentleman to whom he had just alluded, was not in his place on the present occasion. Nothing that took place in life ought to excite amazement—much less that took place in political life. But certainly it did require, in the first place, the evidence of the Gazette, announcing the appointment of the right hon. gentleman by the Prince Regent, and in the second place (for the Gazette alone would have been insufficient for his conviction) his personal observation on Friday last, that the top-sail of the *Leviathan* was loose, the *Blue Peter* flying at her mast, and his own personal knowledge of the fact, that the ambassador and his suite were actually at Portsmouth ready to embark, to convince him that it was possible the right hon. gentleman would be absent from the House on that evening. It was true that the right hon. gentleman had made most honourable amends to his former colleagues: he had condescended to take a situation under those with whom he had formerly declared, on account of their insufficiency, that he did not think fit to act. If he admired the honourable amends which the right hon. gentleman his excellency the ambassador to the court of Portugal had thus made to his old co-adjutors, he no less admired the selection of the place, by the acceptance of which that object was effected. Had the right hon. gentleman relieved a noble lord at Vienna, one of the number whom the right hon. gentleman had denounced as incapable, and thus enabled that noble lord to return to the defence of the Chancellor of the Exchequer in parliament, he should very much have regretted the circumstance, as he still held the opinion he had always entertained of the right hon. gentleman's diplomatic talents. Had the right hon. gentleman been deputed to the Congress at Ghent, the mission would have been equally unsatisfactory to him, for the same reason. But to send the right hon. gentleman to the court of Portugal, where there was nothing to be done, and where, therefore, he could do no harm, was in his opinion one of the happiest thoughts that ever occurred to any government (a laugh). The right hon. gentleman would enjoy abundant leisure. It was probable that the

Prince Regent of Portugal would not return from the Brazils for many months, (perhaps it might be years). The right hon. gentleman might employ himself in revising his early productions in the *Anti-jacobin*, or in producing a poem which should rival the celebrated work of Camoens, or in compiling the memoirs of his day, after the fashion of Buonaparté or Bubb Doddington (a laugh). But he was bound to inquire wherefore it was necessary to have an ambassador at the court of Portugal? No ambassador had been sent thither for a century. As he had been told, the right hon. gentleman himself, when in office, had declared, on a similar proposition having been made, that such would be an improper appointment. But it would not at all have displeased him that the former colleagues of the right hon. gentleman should give him all the stipend that he desired, were it not that it was to come out of the pockets of the public. To all the honours and distinction which could be lavished upon him, he would freely consent; nay, he hoped the report was true, that the Red Ribband was to be given to the ambassador; it was a pity the ministers should not adorn the victim who had so gratuitously offered himself at their shrine. Thus tempted, the right hon. gentleman had quitted the country, leaving all the great questions in which he had so deeply interested himself, to hands to whom he supposed they could be safely confided. The bullion question, he presumed, the right hon. gentleman consigned to the Chancellor of the Exchequer; the Catholic question to the earl of Liverpool; and all the minor questions to his ancient and respected friends composing the Sidmouth part of the administration.

The noble lord and the hon. gentleman who moved and seconded the Address, had dwelt with much satisfaction on the conduct of the war in America, and with a very proper feeling had lamented the death of the hero whom we had there lost. There was not a man in the empire who must not deeply lament the fate of the gallant Ross—not, indeed, for his own sake, for he died heroically; but for the sake of his country, who had lost an intrepid hero; and for his family, who were thereby bereft of the dearest object of their affections. But his was not the only grave over which our tears must be shed: we had also to regret the loss of a Drummond, and of a Parker, who died cheering and animating his men to the advance, even

after a mortal wound had arrested the ardent spirit of his heroism, (hear, hear). But if those who thought the war in America had been ably conducted lamented these occurrences, how much more poignant must be the grief of those who thought, with him, that the conduct of the administration, and particularly of the Admiralty, with respect to the war, appeared *prima facie* to be such as to demand the most serious investigation! In common with the whole commercial world, he arraigned the conduct of the naval war in America. He wished that any of the lords of the Admiralty who had seats in that House, or the hon. Secretary of the Admiralty, who represented them all, or any other person, would explain how it happened, that with so many British penants floating in every sea, so little protection was afforded to British trade; and that with a blockade which had been proclaimed to be so strict, shoals of American privateers were enabled to come from every port, and to rifle the ocean unchastised? Had our navy become so debased, so powerless, that having all other occupation off their hands—having nothing else to do in the north, in the south, in the east, in the west, they were unable to cope with an American flotilla? Not only had we lost our ships of war, but thousands of our vessels of commerce. Remonstrance upon remonstrance had been made to the Admiralty by the merchants on the subject, and nothing had been returned but the cold, dry answer, that the protection afforded was sufficient! The conduct of the naval administration with respect to the lakes, required a full explanation. How was it that they had not provided a force capable of coping with the enemy? Had they been so childish (as it was reported) as to send out a frigate in disjointed frames to Quebec, with the expectation that it might be transmitted with facility up the Rapid, to aid our naval exertions on the lakes? But they were liable to a graver charge—to the charge of having exposed a gallant officer, destitute of the proper means of effecting his object, to the necessity of making a desperate effort with the flotilla under his command, which that destitution rendered abortive. In the general indisposition to attend to American news (although unfortunately that news began to be but too obtrusive) it might not be generally known, that in February last a court-martial sat on captain Barclay, in consequence

of a letter from sir James Yeo, which court-martial determined that captain Barclay was perfectly justified in the attack which he had made, and which had failed from the want of a sufficient force both in ships and in crews, and fully and honourably acquitted captain Barclay. Now, either sir James Yeo was to blame for not affording those succours to captain Barclay, which were necessary for the success of his enterprize, or those were to blame who had neglected to supply sir James Yeo with the means which would have enabled him to afford captain Barclay those succours. The court-martial sat in February last. Had any steps been taken to obtain from sir James Yeo an explanation of his conduct? If not, was it not a tacit acknowledgement on the part of the naval administration of the country, that the blame rested with themselves?

He would next advert to our late serious failure on the lakes. He knew that great error was imputed to a gallant officer, sir George Prevost, on that occasion. But he would desire those who always expected miracles from our officers, because they had so frequently performed them, to suspend their judgment until it should be ascertained whether sir George Prevost had or had not done all that it was possible for him to do. The noble lord and hon. gentleman had congratulated the country on the glory and security involved in our acquisitions on the Penobscot. He could not see how these acquisitions facilitated the attainment of the objects of the war; he could not see how they rendered Canada more safe, or how they were calculated to hasten the termination of hostilities. As to the boundary alluded to by the noble lord, it was the watch-word for the firm co-operation of the United States against us; it ought not to be introduced into our negociation; and if introduced and persisted in, the prolongation of our hostilities with America might be indefinite. The noble lord and the hon. gentleman had also (echoing the Speech) told the House that the fate of the city of Washington would produce a strong impression on the people, favourable to the termination of hostilities. For himself, he could not but lament that the gallant Ross was obliged to concur in a transaction so discordant to every example of the civilized world, so abhorrent to every principle of legitimate warfare, so inconsistent with the free and generous nation, whose officers were the perpetrators of it, and so



detested and abhorred by all who respected the character of their country and the civil rights of the world. A very strong impression it certainly had produced: it had conciliated to the American government those parts of the United States which were before hostile to it: it had put in motion battalions of militia which before were not allowed to march; it had put into the hands of Mr. Madison a weapon which he had not before possessed; it had annihilated all the rumours before in circulation of a disposition to separation on the part of some of the states—of an approaching internal convulsion, which would have prevented the American government from continuing the war.—It had united all: it had made determined opposition to England a common interest. The evidence of these facts was before the world. It was to be found in all the public journals that came from that country; it was to be heard from every one who arrived from it. We had done what the Goths refused to do at Rome, when Belisarius represented to them, that to preserve works of elevated art was an act of wisdom, but that to destroy them was to erect a monument to the folly of the destroyers. It had been alleged as a justification of our conduct, that the Americans had previously been guilty of some wanton barbarities in a village belonging to us. Mr. Munro had, however, stated, that the perpetrators of those outrages had been called to account; that one of them had been dismissed from the American service without trial, on the mere notoriety of his misconduct on that occasion. But let that be as it might, was it worthy of a great nation to destroy the monuments of art—the houses of legislature in a rising capital—and, contrary to all the usages of war, the dwellings of private persons? To him it appeared that there was an extraordinary mystery connected with this affair. To general Ross he did not impute any thing; he merely executed the orders which he had received. But sir Alexander Cochrane had declared that, at the express request of sir George Prevost, and in aid of him, he was going to carry on a desolating war—that he was about to war against the inhabitants of the United States, in consequence of the atrocities which had been committed by the Americans in Canada. It behoved sir Alexander Cochrane to exhibit the orders to which he had alluded. If he did so, it would behove sir George Prevost to explain why

he gave orders so abhorrent from the feelings of every honourable soldier; and why he required sir Alexander Cochrane to do that which, in his own declaration, he stated that it was his intention not to do. Mark the dates. On the 20th of August the correspondence took place between sir Alexander Cochrane and Mr. Munro. On the 30th of August general Brisbane passed the Canadian frontier, and issued a general order, enjoining the strictest discipline; forbidding any violation of public property, and telling the inhabitants that the war was directed, not against them, but against their government. With these orders he entered the enemy's territory. On the 2nd of September sir George Prevost issued a proclamation breathing exactly the same sentiments; assuring the Americans that, if they remained peaceably at home, they would not be molested; and that if any of the British soldiers should violate private property, they would be brought to condign punishment. Here was a contrast! sir George Prevost making war, as a great commander of a great nation: sir Alexander Cochrane (professing, nevertheless, to act under the orders of sir George Prevost) in the same month carrying fire, sword, and desolation into the heart of America. All this required to be unravelled. And, after sullyng the British name by our conduct in America, what had we gained? We had burnt the capital, we had stolen the President's plate, we had run away with the tobacco from the merchants' warehouses. But were we nearer our object? if so, let it be shewn. In any case, the conduct of the war in America demanded serious investigation. He was far from thinking that our path in America was so smooth as the noble lord had represented it to be. The Admiralty had, in his opinion, been deeply culpable, both for the way in which they had deserted our trade, and for the way in which they had replied to the representations that had been made to them on the subject. But he understood, that, during the whole summer, the attention of the Admiralty had been engrossed by a question of deep import to the community—of a complex nature; a question partly civil and partly military. It appeared that a civil officer of the Admiralty had insisted on a salute from a sloop of war, which he obtained, upon his own personal indemnity. This grave business had occasioned much serious discussion: it had occupied the Admiralty

for a considerable time. At length it was settled; and the hon. Secretary to the Admiralty (Mr. Croker) was directed to reprimand the naval officer for the salute which had been extorted from him. This affair, which he acknowledged to be of considerable magnitude, having been brought to a termination, he trusted the Admiralty would find time to attend to the inferior concerns of the war. If they should not do so, he trusted that parliament would take up the question, and determine, that those who appeared to have neglected their duty should be put on their trial for that neglect; for neither in their case, any more than in that of sir George Prevost, would he have guilt presumed, until ascertained by inquiry.

His Royal Highness's Speech next went on to notice the probable result of the Congress at Vienna. If the Speech had not mentioned that Congress, he did not know whether it would have been proper for him to animadvert on the affairs which were to be there considered. He was not, however, sorry, that an opportunity had been afforded to him to state, in his place, what he thought and felt upon certain points connected with that Congress—points which were palpable to all the world, and which must be of the utmost importance to every man who was anxious for the freedom of Europe, and who looked forward to see it secured and established by the wise policy of the powers assembled at Vienna. He did think, and he had so expressed himself, that, up to the conclusion of the peace of Paris, the noble lord who acted on the part of this country, except in one instance, had conducted himself so as to deserve the confidence of that House and of the country. He meant not to withdraw or to recede from that declaration now; but still he could not shut his eyes to what was at present passing in Europe. Before the Congress met—before the last session of parliament closed—he expressed his surprise, that the allies should do that which evidently ran counter to their own declarations. He expressed his astonishment, that Austria was allowed to annex some of the Italian states to her territory, and to declare, by her governors, that these were to be lasting annexations. He observed this, and other events of a similar description, occurring in Europe, which filled him with dissatisfaction; which made him augur an ill result to the proceedings in the Congress, and occasioned him to feel great appre-

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hensions for the peace of the continent. He wished the allies to have considered every country they had rescued from the dominion of the enemy as the property of the inhabitants, and not that of the family restored to the throne. He had hoped, that the misfortunes endured by those who, after a long lapse of time, had been recalled to the exercise of regal power, would have mollified their feelings as men (for, however elevated their situation, they were still men), and he could not help wondering, however incapable or obstinate they had been, that the school of misfortune had not taught them a lesson that would have rendered their providential restoration beneficial to the cause of humanity. But, if it were true that those who were termed ancient and legitimate rulers had attempted, when restored, to bear down and destroy the good which had grown up in their absence—if it were true that they exerted themselves to cramp and paralyse the arts and sciences—if it were true that they endeavoured to put out of the heads of their subjects all recollection that there was such a thing as freedom—was it not to be apprehended, that such measures would ultimately recoil either on themselves or on their children? What was to be expected from those who informed a set of deputies, dispatched from the republic to which they belonged, to make a representation of their situation, “that republics were no longer in fashion, and that room must be made for those annexations which the new state of things rendered necessary?” If such were the sentiments avowed on an occasion of that kind (and he believed it to be the fact), freedom must either be driven from the world altogether, or the people must determine to fight for it, and to drive into exile those who would trample on their rights and privileges. In confirmation of the truth of his position, he had adduced the conduct of Germany as an example. All the great powers of Europe ought to shun such an example; but, on the contrary, they seemed to applaud and to follow it. When he heard it asserted, that Saxony, in the most unfeeling and insulting manner, was to be divided—that a great portion of it was to be incorporated with Prussia—that such a power was no longer to be suffered to remain in Germany, or in Europe—he contemplated it as a grievous injury, not to the sovereign, for that was a secondary consideration; but to the people of a country, emphati-

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cally called the garden of Germany ; not only in a physical, but in a moral sense ; for it did not alone afford sustenance for the support of life—it was also the garden of the human mind. It was there that freedom of religion might be seen in its most attractive colours : there, the subjects were Catholics, and the sovereign a Protestant : there the offices of state were open to men of every persuasion, and the affairs of government were found not to be impeded by the adoption of this liberal principle. Saxony, on this point, shewed a bright example to states of greater magnitude ; and it was melancholy to reflect, that they had not wisdom enough to pursue it. What, he would ask, had the Elector, or, according to the modern fashion, the King of Saxony done ? And here it should be recollected, that others, who had, like him, been make Kings, had not given up their titles ; but he, because he was the last who adhered to Buonaparté, was marked out for vengeance. Prussia and Austria had both marched with Buonaparté ; they had assisted him in accomplishing his views, and did not quit him until his reverses took place. When they found he could not play a successful game, they left him. Bavaria and Wirtemberg remained true to him a little longer than the states he had just mentioned, and they still continued kingdoms. He doubted, however, whether the allies respected them the more for the part they had taken. They must all remember the speech of Philip, who declared, “ That he loved the treason, but hated the traitor.” Saxony, however, did not abandon Buonaparté till the last moment. Now, whatever opinions might be entertained of the course originally adopted by the elector, it was impossible not to feel a little for a man, who, in the latter part of the contest, could not help himself : it was not in his power to withdraw, as Austria and Prussia had done ; for Buonaparté was not only in possession of his capital, but of his person. Yet it was on that ground, and that ground only, that the rights of the Saxon people were not to be attended to. He only spoke as he was informed ; and he would boldly declare, in the British parliament, the only place, perhaps, in the world, if the coalesced powers continued their hostility to the promulgation of unfettered opinion, where public truths would ere long be spoken, that, if Saxony were treated in the manner he had described, and as was generally

rumoured, it would be as unprincipled a partition as any the world ever saw : much so, indeed, as the partition of Poland. And again, let it be fully understood, that there were many persons who ardently wished for the restoration and freedom of Poland ; not only as necessary to the preservation of the peace of Europe, but as a debt due to that much oppressed people. Neither should it be forgotten, that there was one monarch, whose interest it was, more than that of any other potentate, to keep Poland in a state of dependence ; but that monarch had expressed himself willing that Poland should be restored—that it should be again erected into a kingdom, provided the other powers desisted from their schemes of aggrandizement in other quarters. They had often been told of monarchs, who attempted to be magnanimous at the expense of others ; now they heard of the Emperor of Russia, who was ready to agree to the restoration of Poland, if Austria gave up her claims upon Italy, and Prussia abandoned her designs in Germany !

But an extraordinary fact had lately transpired, which he viewed with feelings of the deepest regret. It was an act, executed after the peace of Paris, by his royal highness the Prince Regent, in the name and on the behalf of his Majesty, which, in his opinion, augured an evil result to this country. He alluded to the erection of Hanover into a kingdom. The honourable gentleman who seconded the Address, had expatiated at some length on the pleasure which his Majesty would feel, were he restored to health, on finding that the counsels to which he had always adhered, had, during his illness, been scrupulously pursued. Now, on the contrary, it struck him, that, to have been made a king of Hanover, after the manner and style of Buonaparté, would be one of those things from which his Majesty, if he recovered, would not derive much pleasure ; on the contrary, he thought it would be very apt to enrage him ; for he believed that excellent person never had any thing more at heart than to keep out of the Buonaparté fashion ; although he now was, by a summary process, created king of Hanover ; and that by the Prince Regent in council. But it was said, all the other electorates are extinguished : this was the reason (and it was a most extraordinary one) given for the alteration. But how extinguished ? By Buonaparté. By whom were they erected into

kingdoms? By Buonaparté. When his power, was overthrown, no proposition was made to the new kings, to give up their recently acquired dignities. None of them said, "now let us descend from this false mummery; let us become electors again. We ought to pride ourselves on the antiquity of the Houses of Brunswick-Lunenburg and Hapsburgh, and keep in mind the glorious achievements of our ancestors." "No;" says the Prince Regent, "I won't do this; but I will dress up my father like one of these new-made monarchs; I will make him king of Hanover!" (a laugh.) He (Mr. Whitbread) certainly would not wish to dethrone his Majesty; but he was sure his Majesty would agree in opinion with him, that this dignity had better been spared. It was declared in the state document on this subject, that there would be what was called an "arrondissement" of Hanover. Now he felt convinced, that such a measure would be likely to produce more causes of war than they were before obnoxious to from that quarter; and many gentlemen were of opinion, that England had frequently been involved in disputes connected with the possession of Hanover. Looking at the subject with the utmost attention, he could not avoid thinking that this act of the Prince Regent, by which his father was made a king, and by which Hanover was to be aggrandized, would create many evil consequences to this country.

The conduct of Austria, as it was whispered abroad, would probably raise up difficulties which involved the honour of this country. When the affairs of the allies were not in so prosperous a state as they afterwards assumed, they looked for assistance from every quarter. Bernadotte was allowed to share their councils, and to aid them with his forces; and another personage, whose connection with Buonaparté was more particular, was solicited for his co-operation. It was not only solicited, but he was credibly informed that there was at present, in the hands of Murat, a sort of guarantee for the preservation of his power, signed by a minister of this country—which, if violated, would be a blot on the honour of the nation. The nobleman who signed it, would not, he was assured, brook such a violation. But there might be reasons to induce some of the allied powers to oppose the agreement. Murat was a great military character, and had been the inti-

mate friend of Buonaparté; but independent of these causes of dislike, there were others that might excite a desire to deprive him of his power. It was said, that, under his government, the arts were encouraged, a reformation of the laws had been effected, the abominable system of assassination had been put down, and a great degree of happiness had been introduced amongst the people. Such an enlightened principle of government must form a striking contrast with that darkness and ignorance in which some other monarchs wished to plunge their subjects; and, therefore, it might be deemed prudent, in order to prevent unpleasant comparisons, to remove him from the situation he now filled. It was, however, impossible for any power to pursue its own petty purposes in Italy, and at the same time to indulge a reasonable hope that others would not follow the same principle in the most convenient quarter. The conduct of those who looked for aggrandizement might indeed be such as to compel other powers to do that, which, but for the example, they would have considered mean and base. The event might finally be, that we should behold coming out of the Congress, an arrangement so formed as to provide an equipoise amongst the different powers; but one of so unequal a nature, as to induce France to make a struggle to regain the preponderance she had lost, and thus plunge this country into a war in a very short time. Unless the noble lord who appeared on behalf of this country could prevent such a termination of affairs at the Congress, all their exertions had been made to comparatively little purpose. They ought, therefore, to strengthen the hands of the noble lord as much as possible: they ought to declare distinctly that they abhorred those partitions and aggrandizements to which he had alluded. They ought to be equally unreserved with respect to another great question, the final extinction and abolition of the Slave Trade. In all his demands on that subject, the noble lord should be supported by the unanimous voice of parliament and the country. It ought not to escape their memory, that the emperor of Russia had declared the abolition might have been effected, had it been insisted on: and that he would have supported the demand with all his power and energy. Now, although, from a mistake at the time, the opinion of the emperor was not clearly known, or, if known, was not acted



on, yet it was most satisfactory to learn, that a personage of his great consideration still retained the same sentiments on this most interesting subject.

He would now draw the attention of the House to another quarter of the world, lately the scene of a sanguinary struggle. After the treasure expended, the blood lavished, and the glory gained, in the cause of freedom on the peninsula, who could look towards Spain without feelings of melancholy regret? Could any man behold the attempts made by Ferdinand, to blind the eyes and stop the ears of his subjects—to degrade the best and bravest men in the country, whilst those traitors who had prostituted themselves before Buonaparté and his brother Joseph were honoured and rewarded—who could see and feel this, without wishing an end to it, and that government which endeavoured to inflict such misery on a people, by whose firmness and perseverance it had been re-established? He had heard it asserted, that, unless Ferdinand was supported by money from Great Britain, it was impossible for him to subjugate those subjects by whom he had been restored; and he recollected a very sensible man expressing a hope, that, if a civil war took place in Spain, the people of this country would not be called on to pay both sides, that the Spaniards would be left to fight for themselves, and that the Spanish government would not be armed with our money. He fervently joined in the wish. And he was quite sure, if, as had been said, the Spanish government was unpopular, and nothing but our money could keep it alive, that the people of this country would not consent to purchase any paltry advantage at the expense of the liberties of the people of Spain. They could never endure to see those patriots oppressed who had saved Spain, while those individuals were fostered and protected who had been her worst enemies. It was a most melancholy consideration that all those men were exiles, or languishing in prisons, who had fought for the liberty and independence of their country. O that this could reach Ferdinand's ears! O that he could know the detestation which his conduct had excited amongst all ranks of mankind! What was his treatment of the deputies of the Cortes? Merely because they had filled the situation of deputies, they were plunged into the dungeons of Madrid; or hurried to prisons in different parts of Spain. Ferdinand had then offered them

pardon, if they would acknowledge crimes which they were accused of committing while protecting their native country. To their immortal honour and glory be it spoken, they refused the pardon thus offered—they were unconscious of crime, except it was criminal to oppose an invading enemy—and they threw it back to the monarch with indignation! Sooner would they permit the flesh to be torn from their limbs, than accept a pardon from Ferdinand, when they had committed no offence. God grant them courage to endure their sufferings! He knew not that any of them had been put to death, but it was hanging over them, and expected by them every moment. They were threatened, under the revived inquisition in Spain, with a cruel death, as the reward of their laborious services! One of these patriot deputies had expired, as the guards were removing him from his bed to a dungeon. He was an old and infirm man; and, before he could be hurried to a dungeon, God extended his mercy to him, and freed him from his persecutors! Another of these men, who had rendered his country signal benefits, was arrested in Paris; but, greatly to the honour of the French government, they directed him to be liberated; they ordered the Spanish commissioner, who occasioned the arrest, out of the country; and they dismissed from his situation, the officer of police who had obeyed the mandate of a foreigner. Some of those persons, the regenerators of Spain, the opposers of Buonaparté, had fled for refuge to this country: several of them had thrown themselves for protection on British hospitality. But what had the despotic government of Spain the courage and the impudence to do? They had absolutely made a demand through their diplomatic agent in this country, that those persons should be delivered up by this government. That demand, he was happy to understand, had been promptly and honourably rejected. But he had heard that a different course was pursued by the individual commanding in Gibraltar: two Spaniards, whose names were Corca and Puigsblanc, had taken refuge there. The crime of the one was, that he had written against the inquisition; but the crime of the other, who was a retired captain of infantry, was unknown to himself, and to every one else. A demand was made that these two men should be given up. A body of Spanish cavalry were placed near the lines—the gates were

thrown open, the fugitives were obliged to depart, and were immediately made prisoners by the Spanish soldiery. One of them was now in prison; the other had been liberated. The circumstances were stated to him by an eye-witness. [The Chancellor of the Exchequer observed, he had never heard of the matter before.] If gentlemen opposite had not before heard of the transaction, he hoped, now it was stated to them, that they would inquire into it. He made the statement with confidence, fortified by the names of the parties, and with the assurance that full evidence of the facts could be adduced. If, on investigation, it appeared to be true, those who had conducted themselves in the way alleged ought to be severely punished; if the story was not founded in fact, they ought to be absolved from blame. Before he sat down, he wished to know distinctly, whether any pecuniary assistance, unknown to parliament, had been given by government to Ferdinand 7, to support him in those despotic efforts which he was hourly making? No person could travel over Spain, after the glorious struggle she had made, and not feel indignant at beholding the renewal of religious bigotry, and of civil fury. Who could contemplate the restoration of the inquisition, and the oppression exercised over the most patriotic characters, without the smallest expostulation from any neighbouring power, and not feel apprehensive that the result of the present Congress would not be exactly that which they had hoped? The observations which he had now delivered were called for by the language of the Address; and, as an independent member of parliament, he could not permit the first day of the session to pass over, without troubling the House with his sentiments.

The *Chancellor of the Exchequer*, after some preliminary observations, stated, that he would afford some explanation in answer to the hon. gentleman with respect to the department with which he had the honour to be more immediately connected. The hon. gentleman had asked if any pecuniary assistance had been given to the king of Spain, to assist him in his despotic measures? He did not think it proper in him, by any epithet, to express his applause or condemnation of the measures of the Spanish government; but in answer to the question, he had to state, that no assistance had been given to that government beyond the subsidy which

had been stipulated to be paid to it for the Spanish troops furnished in the late contest. Nothing beyond this had been paid. With respect to the two Spanish gentlemen who had been given up by the governor of Gibraltar, the matter would be inquired into and ascertained, he hoped, in a few days, when an explanation could be given. As to that part of the hon. gentleman's speech which related to the war with America, it was not his intention to enter at any length into the causes which had led to the war, as they had been repeatedly examined by the House, which had declared, that the war originated in a most unprovoked aggression on the part of America. The Address stated no more than what had been repeatedly declared by large majorities of that House. With respect to that part of the conduct of the war which had been stated to affect the honour of the country, and had even been termed by the hon. gent. such as would be a disgrace to Goths and Vandals, it was painful to be obliged to defend measures which went beyond ordinary hostility; it was more painful for the gallant officers who had been under the necessity of carrying these measures into execution. It was no less true, however, that a necessity for such measures sometimes took place; that violence could only be repressed by violence, and severity put a stop to by corresponding severity. If the American armies, when they gained any advantage, had been guilty of cruelty, we were justified before God and man in the exercise of measures of retaliation. If the hon. gentleman had been aware of the measures which provoked the retaliation, he was convinced he would not have spoken of them in the terms made use of by him. He had contrasted the character of the American commanders and troops with that of our own, and endeavoured to show, that on the part of the Americans there was nothing more than the lawless excess of undisciplined troops, or of unauthorized commanders. But he would refer the hon. gentleman to the dispatch of the American commander himself, who had ordered the destruction of the town of Newark. General Green, writing an official letter to the secretary of war of America, after stating that though he had found himself in danger of being surrounded in Fort George, that a council of war had been held, and that in consequence he had determined on evacuating the fort, went on to say, that 'the village of

Newark is now in flames; the few remaining inhabitants having received notice of our intention, previously left the place.' And he added, that this step had been taken by him in consequence of the views of his excellency disclosed to him in a previous communication. Some days afterwards he stated, that he had directed a colonel under his command to open a fire of hot shot upon the place, and that every house was reduced to ashes. The enemy, he added, were exasperated, and in their advance into the American territories would probably endeavour to retaliate. These things took place on the 10th and 13th of December, 1813, and the miserable inhabitants were driven out, without defence or shelter, exposed to all the horrors and severity of a Canadian winter. This was a most cruel and a most wanton destruction of private property. Surely it would not be said, that public property ought to be held more sacred by an enemy than private. Again, when the American army took possession of York, the capital of Upper Canada, in May, 1813, the proceedings adopted by them were these: major Allen stated in his dispatch, that after carrying off all the public stores, and effecting the destruction of the public buildings, the troops had embarked. Here they had destroyed a capital, for be it remembered that York was the capital of Upper Canada. Although a small town, it was a capital, and among other public and private buildings, the house of assembly and the house of the governor had been burnt to the ground. If any other example were wanting to shew the malicious spirit with which the war had been carried on by the Americans, he held in his hands an account of an instance, which he had no doubt would completely satisfy the House. If any establishment was less likely than another to provoke the ravages of war, it was the settlement of the Moravians, who were a body of men useful and inoffensive beyond all others, and who were employed solely in the conversion and civilization of the Indians. The 6th of October, they say, was to them a most painful day. The poor missionaries were deprived of their last morsel of bread; their potatoes and flour had all been taken from them, and partly set on fire, and the whole of their buildings consumed. Here was a most unjustifiable attack on useful and inoffensive men, whose conduct could not possibly have provoked any retaliation. After the

documents which he had read to the House, they would not surely be surprised that sir George Prevost had called on sir Alexander Cochrane to aid him in carrying retaliatory measures into effect. Sir George Prevost, in his letter to sir Alexander Cochrane, which was dated the 3rd of August, 1814, stated these events to be so disgraceful to the American character, and to differ so completely from the example he had set them, as to call for a severe retaliation.—Having stated this much in vindication of the national honour, he felt it incumbent on him to observe, that he deprecated as much as any man the continuance of hostilities between the two countries, and especially their continuance, in a spirit of savage exasperation. It was America, however, which had set the example. The Americans had themselves, in the case of the taking their capital, and on other occasions, acknowledged the lenity of our conduct to individuals; and that the only pillage which took place was by their own people. The hon. gentleman, with reference to the war in America, had attacked one branch, the board of Admiralty, in a particular manner. The hon. gentleman had stated, that there was no protection to the British flag; that the American privateers pursued their course undisturbed; and that the whole of our trade was destroyed. If the hon. gentleman had said that the whole of the American trade was ruined, he should have better understood him; but when he said that our own trade was destroyed, the hon. gentleman would have the inhabitants of this town to refuse to believe their own eyes. The result of an accurate inquiry into the subject was, that we had lost about 200 merchant ships in the course of the present year. Of these vessels so lost, not one had been taken under convoy; and all of them had either been forced to part by stress of weather, or had escaped from convoy for the sake of arriving earlier at market. But let us consider the loss of our merchants at present, and contrast it with what had taken place at a former period bearing a resemblance to it. If we selected one year under the administration of lord Chatham, the year 1761, when the French navy was totally destroyed and the Spanish was not employed against us, it would be found that in that one year the French privateers took 800 of our ships. The whole of our tonnage at that period only amounted to 626,000; whereas at present

it exceeded 2,600,000. The depredations of France, at a period when no one thought of complaining, occasioned a loss to the country which, taking the comparative amount of tonnage into consideration, was equal to the capture of 3,200 ships at present. It had been said by the hon. gentleman, that the American privateers were unchastised. Now, what was the fact? There had been taken from the Americans in all 237 ships of war and privateers; of these 38 were government vessels, and 199 privateers, and above 1,000 merchantmen. We had, besides, made prisoners about 20,000 of their sailors. As the flourishing state of our revenue was mentioned both in the Speech and in the Address, it would no doubt be expected that he should give some statement to justify that assertion. He would do it, by giving a comparative view of the produce of the revenue in the two last years. In the quarter ending on the 10th of October, 1813, it had amounted to 18,531,218*l.* In the same quarter of the present year, to 19,036,985*l.* The revenue of the whole year ending in October, 1813, was 60,876,652*l.*: that of the present year, ending in October last, 63,461,864*l.* which proved an increase in the last year of two millions and about 600,000*l.* The receipts at the customs in 1813 were 10,157,221*l.*; in 1814, 10,213,174*l.* The excise in 1813 had produced 22,560,159*l.*; and in 1814, 24,154,549*l.* He would not trouble the House with other details of this nature on the present occasion, but would proceed to show the progress of our trade since the year 1812. The returns for the present year were not completely made out for every part of the country; he would, therefore, only notice those of the port of London, which were the most perfect. The value of the exports from that port to Europe for three quarters of a year were:—in 1812, 11,446,000*l.*; in 1813, 18,916,000*l.*; in 1814, 26,828,000*l.* So that the year 1814 almost doubled the amount of exports in 1812. It might be said, why, since the revenue was so flourishing, should money be wanted? It was natural to suppose that the want of money was one of the reasons that had occasioned the early meeting of parliament, and that want sprung from the arrears of 1813 and 1814, which remained to be paid. The necessity of providing for the liquidation of these had occurred at an earlier period than was expected. It chiefly proceeded

from this, that circumstances had arisen which had led ministers to apply nearly the whole vote of credit intended for the army, to the service of the navy. This had been found necessary principally because the amount of wages due to seamen who had been prisoners and were now returned, had far exceeded the calculation that had been made. On that account, as well as the expence of our forces in the Netherlands, the army arrears were considerable.—He had only taken up the points which he thought required explanation at this period, and if the honourable gentleman was not satisfied, he really did not know what he could say more for his gratification. The hon. gentleman, however, had commented on the proceedings of the Prince Regent in altering the title of elector of Hanover into that of king. For any proceedings of his Majesty as elector of Hanover, the British ministry could not be responsible, as the two governments were absolutely distinct and independent of each other. He was, however, bound to state, that it was not any vain wish to enjoy a higher title, or to encircle his brows with another crown, which had led the Prince Regent, acting on the behalf of the elector of Hanover, to assume the royal dignity. That step had been recommended and desired by the great powers assembled at the Congress, as tending to perfect that system of internal government for Germany which they were desirous of establishing, in order to secure the peace and happiness of that country and of Europe. The electorate of Hanover had been the only one of the ancient electorates remaining, and when the empire ceased to be elective, the functions of the electors expired, and their title became unmeaning. Whether they should then take the name of king, of grand duke, or any other, depended only on themselves. The electorate would neither be increased nor curtailed in point of territory, in consequence of the alteration, and the assumption of an empty title could in no way affect this country.

The right hon. gentleman then reverted to the contest in Canada, and expressed his hopes, that the House would wait for the justification of sir George Prevost's conduct before they pronounced a decided opinion. To judge him without other evidence than that now possessed, would be an unjust proceeding. The hon. gentleman who had taken up the



matter had, however, done it in a manner that cast rather an unfair imputation on others. He had rightly stated the honourable acquittal of captain Barclay by the court-martial held upon him, but he ought not to have made it a ground for aspersing the character of another officer. On the subjects which he had mentioned, the hon. gentleman would be at liberty to bring forward on a future occasion any motion he pleased; the House was now only called upon to present to the Prince Regent those general professions of support which it had always been ready to give. The pre-eminence of the country would not be less displayed in yielding proper support to our just pretensions across the Atlantic, as we had done in Europe. We were now contending, not for our own exclusive rights, but for the restoration of the ancient laws of Europe and of nations: we laid claim to no right which we denied to others; but if America would not consent to do us and herself justice, he trusted that the House and the country would afford his Majesty's ministers their warm support, in order to enable them to close the war by an honourable peace.

Mr. *Ellis* claimed the indulgence of the House whilst he should endeavour to vindicate a right hon. friend of his (Mr. Canning) from the attacks of the hon. gentleman opposite. His object was to make some observations on two points of that hon. gentleman's speech, and he only undertook that duty because, though sensible how ill it became him to obtrude himself on the House, his personal acquaintance with his right hon. friend, now absent, induced him to think he could give a satisfactory explanation. The hon. gentleman had made two charges against his right hon. friend. The first was for neglect of his public duty to this House in accepting the embassy to Lisbon, and the other for having brought an unusual expense upon the country. To the first he would make a short, and, he trusted, not unsatisfactory answer. His right hon. friend's determination to repair to Lisbon had been taken long before he had the prospect of a public situation, under the heavy pressure of domestic affliction, and in the hope of saving the life of a beloved child. Whether such would be deemed worthy of being admitted as a sufficient excuse, he would leave the House to decide. As to his not having altered his determination, and delayed his departure

at the approach of the opening of the session, he had not done it from any apprehension of facing the attacks that might be made upon him in that House: indeed, he did not expect that his absence, or the cause of it, would excite the hon. gentleman's attention and call for his reproof. As to his right hon. friend's accepting the situation of ambassador to Portugal, it was a point on which it would ill become him to say any thing. His right hon. friend's conduct, in that instance, must submit to be freely canvassed by that House and the public. But to be unusually severe upon it, might almost convey a notion of personal hostility. As to the increase of expense which it was stated his right hon. friend had occasioned to the country by accepting this situation, he trusted he should prove the charge unfounded. His right hon. friend had felt some reluctance to take upon himself the same credit and responsibility as sir Charles Stewart. He wished that those expenses which should be considered unavoidable, should be first submitted to those who had no interest in their being fixed too high, rather than left to him or the persons of his house. He also, perhaps, doubted whether the same forbearance should be shewn towards him as towards sir C. Stewart. He therefore required that the extraordinaries should be submitted to limitation, on retaining such an establishment as it would be proper for an English ambassador to maintain. How far that principle had been acted upon, he would not take upon himself to say: but that his right hon. friend had brought no increase of expense on the nation, a comparison of his allowance with that of sir C. Stewart and sir Henry Wellesley, would satisfactorily show. The former received last year 28,000*l.*; 5,000*l.* being his regular salary, and 23,000*l.* for extraordinaries; and the latter 27,000*l.*: 8,000*l.* as his salary, and 19,000*l.* for extraordinaries. Now, his right hon. friend's own salary was limited at 8,000*l.* a year, and 6,000*l.* for extraordinaries, forming a deduction of nearly one half what sir H. Wellesley had received; and exactly one half the salary of sir Charles Stewart. This, therefore, instead of being a ground for reproof, ought to produce no other feeling than that of satisfaction; as, instead of being augmented, the expense was in fact materially diminished. In saying this, he wished to be understood not to cast the slightest imputation on the expenditure

either of sir Charles Stewart or sir H. Wellesley: for both of them he entertained the highest esteem, and he had no doubt of the money having been properly applied. He only meant to establish the fact that his right hon. friend's appointment was not extravagant, 8,000*l.* being the appointment of ambassadors on the lowest scale, and the 6,000*l.* for extraordinaries being given as a matter of experiment. He concluded by thanking the House for the attention shown him, and relying on their candour and liberality towards his right hon. friend, now absent.

Mr. Tierney rose and said: I hope the House will allow me to say a few words upon what has just fallen from the hon. gentleman. I give him great credit for his disinterested defence of his friend; but whatever impression it may have made upon others, I own that to me it appeared most unsatisfactory, more especially that part of it which related to the expenditure of the public money. Perhaps, of all men in the House, or in the country, I am most entitled to make remarks upon this subject; and if I shew little delicacy towards Mr. Canning, it will be remembered that I used the same freedom with regard to sir Charles Stewart. The hon. gentleman is incorrect when he asserts that, in the financial discussions of last session, nothing was said regarding the amount expended by sir C. Stewart; on the contrary, in the course of those debates I took occasion to animadvert upon the extravagant disbursements of foreign ministers and ambassadors, whose enormous bills were paid out of the civil list. I had hoped, in consequence of these remonstrances, that some steps would have been taken to remedy this great and growing evil; and having been disappointed in my expectations, I am the more unwilling to pass over the present opportunity of renewing my complaints. Undoubtedly, I and every man must feel pain at the cause which is said to have primarily suggested the residence of Mr. Canning at Lisbon; but did this, let me ask, require any additional expenditure of the public money? The hon. gentleman has also said a few words upon the reasons which induced Mr. Canning to accept an appointment under the present ministry. Every man has an unquestionable right to exercise his own judgment upon these points; he may be consistent or inconsistent, as he pleases; being always, however, responsible to public opinion. In

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this case it does not seem to me very extraordinary, that some severity should have been shewn in the animadversions made out of doors upon the acceptance of an appointment which placed Mr. Canning immediately under the direction and control of a noble lord (Castlereagh), whom he had solemnly declared to be incompetent to the duties of his office. [Hear, hear!] I know very well that men do sometimes change their conduct and disposition. It might be said of me, perhaps, by some individual, that I was unfit for an office, because I was corrupt, and had been guilty of jobs. If I can prove the contrary, I shew my accuser that he is mistaken, and that I am fit for my office; but if I am told that I am weak and deficient in my intellects, it is a misfortune I can never cure, and I can never make a consistent accuser believe that I am competent. [Hear, hear!] How was it with the noble lord? Mr. Canning declared that he was unfit, from want of ability, to hold the office in which he was placed, and that consequently he could not act under him; and yet now we see the same individual accepting a situation that is immediately subordinate to this very man, whom he had declared to be deficient in understanding. [Hear, hear! and laughter.] I confess I should have been surprised if the good sense of the public had not seen through this gross piece of chicanery.

But what the House ought principally to look to, is the extravagant appointment of Mr. Canning at the court of Lisbon. In the case of sir Charles Stewart I stated, that although the charges appeared enormous, yet I had no doubt that every farthing could be satisfactorily proved to have been expended; but I found fault with the nature of the allowance; I complained that the salary given was not to be the whole of the expense, but that there should be a contingent bill to any amount beyond the appointment given. The hon. gentleman treats this subject as if no person had been appointed minister at Lisbon between sir C. Stewart and Mr. Canning. He omits all notice of Mr. Sydenham. Did not he succeed sir C. Stewart? and I ask his Majesty's ministers whether, on the nomination of Mr. Sydenham, every thing that can now possibly occur respecting Portugal, was not then perfectly well known to them? Whether, on the removal of sir Charles Stewart to the Hague in July, they did not think there would be as important duties for

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the minister to discharge at that time, as on the appointment of Mr. Canning in October? Whether Mr. Canning will have any duties to fulfil that Mr. Sydenham was not quite as competent to execute? Was it ever proposed to have any ambassador at all at Lisbon, until Mr. Canning's intention of going abroad was known? Did ministers ever dream of such a thing? Have we had an ambassador there for the last hundred years? Is an ambassador in any way necessary to manage the interests of this country in Portugal? Let the right hon. gentlemen opposite answer these questions, if they can. It has been stated with perfect correctness, that sir Charles Stewart's appointment as minister plenipotentiary, was 5,000*l.* per annum; then why is Mr. Canning to have 8,000*l.* per annum, with 6,000*l.* a year contingent? What cause can be assigned for the additional 3,000*l.* a year? In short, why was he appointed—let them tell me that? Was it or was it not that Mr. Canning, finding it necessary to go to Lisbon, his journey was kindly converted into an embassy, and that such an embassy would never have been thought necessary if Mr. Canning could have remained in England? Unless ministers can give me satisfactory replies, I and the country at large must consider this unprecedented appointment as a scandalous waste of public money, and a most infamous and deliberate job. (Hear, hear!) I have no doubt that Mr. Canning will fulfil his duties well; but I complain that he has no duties to fulfil. The contrast is rather striking. Lord Castlereagh, one of his Majesty's principal secretaries of state, declared to be weak in his intellects, has passed over the continent to discharge most arduous and important functions at the Congress at Vienna. Mr. Canning, who so declared the noble lord to be weak, is gone to Lisbon to do nothing. I cannot understand why, in this state of things, lord Castlereagh should not remain quiet at home, while Mr. Canning was dispatched to the Congress. It is impossible to maintain that Mr. Canning would not be competent; the noble lord would not retaliate by such a declaration, although Mr. Canning thinks the noble lord so unfortunately weak in his capacity.

Setting aside this question of comparative ability or inability, still there is an additional burthen of 14,000*l.* a year laid upon the public, which I maintain is unnecessary. The hon. gentleman draws a

comparison between Madrid and Lisbon, when, in fact, there is not the slightest resemblance between the situation of an ambassador at the one and at the other. I defy him or his friends to give any satisfactory explanation of this transaction. But let me ask one more question. Are his Majesty's ministers prepared to produce the correspondence which passed between them and Mr. Sydenham, on the appointment of that gentleman? Will they lay upon the table the instructions they gave Mr. Sydenham, regarding his expenses? If they do, they will have to encounter this difficulty: they will then have to give some satisfactory reason why, in the course of two months, they find it necessary to name an ambassador extraordinary, with an expenditure of double, nay almost treble the appointment of Mr. Sydenham. What events have occurred, or are likely to occur, to require such a diplomatic alteration? Mr. Sydenham was to confine himself to 4 or 5,000*l.*; I do not exactly know what the sum was, and Mr. Canning is to launch out to three times the amount. Now the question has been brought forward, is it not necessary that the right hon. the Chancellor of the Exchequer should give some explanation? because in the last session he pledged himself to apply his attention to the expenses of foreign ministers, particularly to the enormous charges beyond the sum allowed in the appointment; and yet, on the very first day of the succeeding session, we see exposed one of the most outrageous jobs that was ever connived at by any ministers [hear, hear!] He will reply, that at most it is but 14,000*l.* a year, and you may think yourself well off that it is no more; but I do not think myself well off, and I call upon the right hon. gentleman to give some reason why Mr. Canning is to be allowed this annuity, when all the duties of the station could as satisfactorily be discharged by Mr. Sydenham, at only one-third of the charge upon the country? As the case at present stands, it can be looked upon only as a very convenient job for some parties, and as a very infamous job for others.

Mr. *Whitbread* wished to say two or three words in explanation: first, with respect to the destruction of Washington he had intended to convey, that no atrocity on the part of our enemies could justify this country in retaliating by the commission of similar crimes: if we could be so justified, we ought to scalp all the Indian

prisoners that fall into our hands. Secondly, with regard to the personal animosity that he had been accused of feeling towards Mr. Canning, he assured the hon. gentleman that he was mistaken: he had never felt personal animosity towards any man in the House. Political hostility was quite a different feeling. He had heard of the illness of a part of the family of Mr. Canning, and if that gentleman had gone to Lisbon as a private individual, he would never have made a remark upon the subject; but assuming, as he did, the character of ambassador extraordinary, and sailing as late as Friday last, when parliament was to meet on the Tuesday succeeding, formed a just subject for severe animadversion. Towards such an individual he felt no personal, but strong political hostility; and he feared that hostility was likely to be permanent. The principles on which they had acted throughout life had been perfectly distinct; and the occasion never had occurred, and probably never would, when Mr. Whitbread could call Mr. Canning his political friend.

Mr. *Ellis* observed, that he believed he had not employed the word 'personal' as applied to the hostility that subsisted between his right hon. friend and the hon. gentleman. He was in the judgment of the House; but if he had used the word, he intended only to allude to political animosities.

Mr. *Whitbread* admitted that he might have mistaken the word: he was sure that the hon. gentleman had intended to allude only to political dissensions.

Mr. *Baring* considering the length and extent of the war, and the energy with which it had been carried on, thought that the Address ought to contain some words of consolation to the people of England for the burthens which the country had borne, instead of presenting a prospect of their increase. He alluded to the magnanimous conduct of the emperor of Russia, and of other European sovereigns, who had disbanded a large proportion of their armies, put down the conscription, and already relieved their subjects of some of their most painful incumbrances. Instead of seeing the same line of conduct adopted in this country, we were now told that the most odious of all our burthens, the Income Tax, was to be continued. All this was probably to enable us to support the American war. He objected to the manner in which the

latter had been carried on; at the same time he allowed that the necessity of retaliation to a certain degree had been established. Not to have retaliated would have more become the character of our country; but, at all events, the American government had no right to complain. He reprovved, however, our setting up an island in the Chesapeake as a rendezvous for runaway negroes, who would afterwards return and murder their masters. Another part of our commander's conduct also deserved reprobation, he meant their attack on private property: The utmost extent of the right of captors only embraced property afloat. In the case of Alexandria, the capture of which, in another point of view, was one of the most brilliant exploits of the war, every individual had been forced to give up his goods and merchandize. This was not the first time that we had brought an army before a town, and ordered private property to be delivered. Our conduct, at former periods, had been the same at Genoa and St. Eustacia; nay, it had even been worse, for not only goods but bills had been directed to be transferred into our hands. This was not only disgraceful, but impolitic. In the present unbounded extent of our trade, no commercial town could be taken and plundered, without injuring a large quantity of British property. He, therefore, hoped ministers would adopt proper measures to check such conduct on the part of our commanders. He objected to the Address, because it echoed the sentiments expressed in the Speech, that the war had been conducted in a manner to do credit to our arms. Without discussing the merits of its origin, it ought to be the general wish that it should be carried on as Englishmen ought. The Chancellor of the Exchequer had given a list of the British merchant vessels taken by the French in one year of lord Chatham's administration, and compared it with our loss through the hostility of America; but the difference was considerable between the great nation with which we were then at war, and the petty power with whom we now contended. The conduct of the Admiralty in allowing American privateers to capture our ships in the very heart of the Channel, could not be suffered to pass without inquiry. Vigorous exertions at the commencement of the war, would have placed us in a much more commanding position than we now occupied. He admitted that



in its origin the war had been one of aggression on the part of America; and from the period the orders in council had been repealed, he had never opened his mouth on the subject. It now appeared, however, that there had been, for the last two years, an American commission wandering in Europe to negotiate for peace before Buonaparté had been overthrown, and therefore not in consequence of the deprivation of the support which the United States might expect to derive from him. The first proposals had been made under the proffered mediation of Russia, which our government had rejected: since that time we had shown little eagerness to treat for peace. When the next commission was sent to Ghent, at least three or four months elapsed before any negotiators had been appointed on our part. The discussions were however now carried on; and on that ground ministers evaded giving any explanation of the topics which they embraced. He did not think that the main question with us was that of our maritime rights, but of boundaries, or in other words, of aggrandizement; and whether we should go on a crusade for the reconquest of America. If she rejected peace on the question of maritime rights, the war, hopeless as he thought it was in the mode in which it was conducted, could not unfortunately be abandoned: but if, on the contrary, the Americans gave up the question of rights, and we broke off the negotiations on that of boundaries, which would be most absurd and impolitic, it would be impracticable to pursue it with any expectation of success; we should then be embarked in a mad crusade, and instigated by the vain dreams of dotards. Such a design was idle: 1st, because the additional territory, if gained, could be of no use to Great Britain; 2dly, because the object was unattainable; and 3dly, because a claim of territory would unite all parties against us, who, on other points, were disputing among themselves. Much of his information upon this subject was derived from personal inspection: he knew the tract of territory between the Penobscot and the Passamaquoddy to be a mere tract of snow, thinly peopled, there being only about 4,000 inhabitants in sixty square miles; and the attainment of, which had been boasted as a great achievement, was only the triumph of a regular force over a defenceless village, supplied only with two iron guns. In the Chesapeake we had been more successful, but we ought

not much to plume ourselves upon what might with ease have been accomplished on the coast of France at any time during the late war: but we no sooner attempted something on a grander scale at Baltimore, which contained a mass of ships, of merchandize, and important magazines, than we had failed. On the Penobscot our operations had only gained us useless territory, whilst on Lake Champlain and at Fort Erie, an inconsiderable place, we had experienced serious disasters; having lost in the attack on the latter near 1,000 men. Besides all this, a great portion of Upper Canada was still in the hands of the enemy. Were these the triumphs that proved that the war had been skilfully managed? He did not conceive it practicable that a successful attack could be made on America. Particular, and even great cities might be burned, but no permanent effect produced. We could not retain possession of what we occupied, nor conciliate the minds of the people. Witness sir George Prevost, who, with a large army, had been compelled to retire; and at a former period, the failure of general Burgoyne, on the very same field of action. He admired the manner in which, for two years, and with inferior forces, sir George Prevost had protected Canada; and he thought that the correspondence of that officer gave little hope to government of a successful issue to the American war: to put an end to it, was the only cause consistent with the interests of the country. In times like the present, the country would be little satisfied with the mere flourish of a royal speech, where our commerce was stated to be almost incalculably augmented, and our finances in a state of rapid improvement; nor were the figures of the right hon. the Chancellor of the Exchequer more satisfactory: all they proved was, that immediately after the conclusion of peace, our merchandize, which had before been locked up in our warehouses, had been sent in large quantities abroad; but it was not to be supposed that this great export would continue; or, if the right hon. gentleman did so imagine, he would find himself most grievously disappointed. It would require greater abilities than those of the present administration, to secure to us in future an exclusive superiority in the continental markets, while our rivals, particularly the Dutch, had all the advantages of colonies, of ships, and of neutrality, which lessened the rates of freight, insurance, and other charges,

Nor had we that pre-eminence of capital that some had vainly imagined. In Paris money was so plentiful, that the interest upon it was only 3 per cent.—The statement of the number of American merchantmen captured by our cruizers, he confessed, astonished him. He did not believe, that within the last two years, to the number of fifty American merchant ships could have been found at sea. The vessels alluded to in the statement of the right hon. gentleman, must have been seized in port. The American privateers, on the other hand, were to be seen lying off, and even looking into, our harbours; and when at any time they were pursued, the vessels employed in that service were either not light enough to come up with them, or if they did come up with them, were not able to take them. He submitted, therefore, that there must be an inquiry into the whole system of our naval service; and in particular it should be inquired into, how it was that we could not build ships equal both to overtake and to fight our enemies? He agreed that the peace had caused a momentary increase of trade, and of course a momentary increase of the revenue: but would this last? Could we go on, meeting the manufactures of other nations in foreign markets, on equal terms? No; it was impossible, unless our manufacturers and traders were relieved from the burthens under which they at present laboured. It was impossible our manufacturers could thrive under that oppressive and inquisitorial tax, the property tax. If we looked at France, we should see her public credit improved, her funds raised, and her expenditure decreased. The funds of this country, on the other hand, had fallen since the peace, while our excessive expenditure remained; and should we, in the course of a few years, be again involved in war, we should be found unprepared to meet the contest.

Mr. *Bathurst*, while he thanked the hon. gentleman who spoke last for the admissions he had made, could not but think that the lamentations he had made on two subjects might have been spared. He first lamented that we still continued to keep up our forces to their present establishment; and then he lamented the continuance of the war with America. As to the first subject of lamentation, the hon. gentleman might have perceived that, independent of the war with America, troops were at present necessary in

the Netherlands, over which country France had never ceased to have an ascendancy. Was not what we had gained there worth the keeping; and could the hon. gentleman object to the keeping up of an adequate force in that country, till such time as its independence was properly secured? a measure in which this country was so deeply interested. The other subject of lamentation urged by the hon. gentleman was the war with America; but when the hon. gentleman admitted that, since the repeal of the orders in council, not we, but the Americans, were to blame for the continuance of that war; when he also admitted, that the obstacle to a peace was our maintenance of our maritime rights; when he admitted these two things, and yet lamented the continuance of the war as attributable to this country, was not this assuming, without any evidence whatever of the fact, that we were doing something—an assumption which the hon. gentleman had no right to make. To say that we could not injure the Americans by the continuance of the war, was absurd. Indeed, the hon. gentleman himself gave an answer to this assertion, by admitting, in another part of his speech, that the Americans had not a single vessel at sea. Was not that to shew that they were distressed, and that they had no trade? As to the conduct of the Admiralty, he had only to state, that all demands for supplies of the governor of Canada were not only complied with, but in many instances had been anticipated. As to the trade of the country, he needed only to refer to the statement of his right hon. friend, the Chancellor of the Exchequer, which, to his mind, remained unanswered. If vessels would quit their convoy for the sake of some mercantile speculation which the owners might have in view, the Admiralty was not to blame, and it was impossible they could be adequately protected. The term boundary, to which the hon. gentleman so much objected, on the assumption that the fixing of a boundary was one of the things for which the war was now continued, he contended did not necessarily include the idea of an accession of territory:—it might mean a line of mutual security. But, at all events, this was merely an assumption of the hon. gentleman, which he had no right to make.

Sir *Gilbert Heathcote* observed, that it would have been most satisfactory to have heard from ministers that the negotiations

at Ghent were going on favourably. He could not approve of that part of the Address which promised further support in the prosecution of the war in America, inasmuch as the cause of the dispute had ceased since the general pacification on the continent. When we withdrew our orders in council, the Americans had rescinded their retaliative acts; so that the right of searching American ships for British seamen alone remained as a subject of controversy. When peace was established throughout Europe, we could not think of enforcing that right; so that this last point of contention fell to the ground naturally: The war must therefore be carried on for other reasons, for the sake of what might happen, and not for any present grievance. He thought the situation of the country did not warrant ministers in doing this. Were our finances so flourishing, was the property-tax a burthen so light and easy, that it mattered not what might be the amount of the annual national expenditure? There might be some pretext for ministers to keep on some of the war taxes after the country was placed on a peace establishment, provided there was an excess of expenditure, to make up any deficiency in balancing the account; but there was no pretext whatever for retaining such imposts for the prosecution of a war which appeared unnecessary. It appeared to him, that we feared the rising power of America, and wished to curtail it. This was an important feature in the war, for, if persevered in, we must be prepared completely to subjugate our enemy, or we should be in a worse state than we now were. We had tried to subdue America 30 years ago, and had failed, when she was nothing like so powerful as at present. We should recollect how we left France situated whilst engaged in this contest: she was at profound peace, recovering from her wounds; and if the war was protracted, she might join America, or attack us herself. A strange policy seemed to be pursued; whilst we were waging war in America to prevent her becoming a powerful naval power, close at home, in Flanders, we were creating one. Let us recal to mind the history of the reign of Charles 2, or, in later times, the politics of the Dutch cabinet previous to the engagement off the Dogger Bank in the year 1781; and the march of the Prussian army, under the late duke of Brunswick into Holland in 1787. Would any one,

having a knowledge of these transactions, believe that our ministers would, in all times to come, be able to manage the Dutch cabinet, so to eradicate all French influence there, as that the power we were now raising might not, at no very distant time, become highly dangerous to the naval supremacy of this country. With respect to the conduct of the war, he did not wish now to enter upon it; he was against the war altogether. In these contests we must expect the alternate vicissitudes of fortune. He had always understood sir George Prevost to be both a brave and intelligent man, and had no doubt he had good reasons for the conduct he had pursued; in a country like America, after having lost the naval support, on which depended the provisioning the army and conveyance of military stores, with the remembrance of Saratoga and of Hook Town, he must have been bold indeed, who would have placed himself, by advancing, in such a situation. Much had been said of the mortification felt by the troops which had been sent from Spain; he believed that if more was expected from their exertions than from the rest of the army, we should be disappointed. In the outset of the last American war, it was boasted here, that a battalion of the British troops would march across that continent. The flower of our army was afterwards sent, and commanded by officers who had served with reputation in the German war, under prince Ferdinand. The result was known; those troops, as brave as any in the world, were compelled, at two different epochs, to capitulate to the new-raised levies of America. The hon. baronet concluded, by declaring that he was decidedly against the continuance of the war.

Mr. *Fremantle* expressed strong objections to what had fallen from the right hon. gentleman who spoke last but one, with respect to the British forces now maintained in the Low Countries, which he described as one of the causes of our present expenditure. He had indeed even asserted, that without that force, the treaty of peace which had been concluded, would be nothing but a bit of paper, totally void of all security, though the country had been stimulated and hallooed on, as it were, to rejoice in that treaty as the consummation of all its most ardent wishes. He lamented that the Speech from the throne they had heard that night was so unlike the one which

had been delivered at the opening of the last session; its whole tenor was that of war, which added greatly to the gloom he felt upon the present condition of the country. The British force maintained in the Low Countries required, he thought, some explanation from ministers. It was, he contended, unconstitutional, and required to be regarded by parliament with peculiar jealousy. It had never been allowed that a British force should be maintained at British expense in a foreign country, without some communication upon the subject being made to parliament.

Mr. C. Grant jun. observed, that he had always heard it was unconstitutional to attempt to introduce a foreign force into this country, without a previous communication to parliament; but this was the first time that he had ever heard it was unconstitutional to maintain a British force abroad without reference to parliament. He was sorry the Address which had been moved, did not unite all the feelings of that House, and lamented that there was any probability of an exception to the practice of latter years, that of carrying up an Address with unanimity to the throne. He delivered it as his opinion, that the war on the part of America was unprovoked by any conduct of ours; at the same time he was as anxious as any gentleman in that House, to see the war brought to an honourable conclusion by ministers. He confessed he saw no grounds for the gloom which some hon. members felt. He would not, however, enter into counter predictions, though he avowed himself to be one of those who did not despair of his country, but believed it to be possessed of sufficient strength and sufficient power, to wage this war to a successful issue.

Mr. Tierney inquired, if there was any treaty or convention existing, by which England was bound to maintain any description of force on the continent, in conjunction with Russia and Prussia?

Mr. Bathurst replied, that the present was not the time for putting such a question. If any such treaty or convention did exist, it was competent to the right hon. gentleman, or any other hon. member, to move in the regular way for its production.

Mr. Whitbread. That "if" of the right hon. gentleman requires some observation. I beg to know—

The Chancellor of the Exchequer. I beg

leave to remind the hon. member, that we have already had the pleasure of hearing him on the present question.

Mr. Whitbread. If it be a pleasure, the right hon. gentleman shall hear me again upon the next question.

The question upon the Address was then put, and carried in the affirmative.

Mr. Whitbread. I now rise to ask, whether the right hon. gentleman and his colleagues mean to disavow the noble lord, who, in the course of last session, stated that a treaty had been signed; and whether he means to deviate from the usual path of laying treaties, concluded with foreign powers, before parliament for its sanction?

The Chancellor of the Exchequer. I am not at all desirous of disavowing that such a treaty was then proceeding.

Mr. Whitbread, across the table, 'signed.'

The Chancellor of the Exchequer. And when proper, the treaty will undoubtedly be laid before the House.

Mr. Tierney. The reason assigned by the noble lord, for not laying it before parliament at that time, was, that though it had been signed, for so it was positively stated, yet it had not been formally ratified, and therefore could not be submitted to the House. He lamented that it was so, and promised that if parliament should sit long enough, till the ratification arrived, it should be immediately laid before it; but if not, that it should be presented on the earliest occasion in the ensuing session. In reply to an hon. gentleman opposite, I admit that there is no reason why the King may not send troops to fight wherever he pleases; but will it be said, that British troops are to be placed under a foreigner, in a foreign country, and paid with British money, without some intimation being given to parliament?

The Chancellor of the Exchequer. The troops are serving under an officer high in the British service, though, indeed, a foreigner by birth,

Mr. Whitbread. This is a violation of the word of ministers; it is an unconstitutional proceeding, and an insult to parliament. The treaty was announced to parliament as signed; it has been acted upon; and British troops are still kept in foreign parts. It must not stop here. The right hon. gentleman has placed himself and his colleagues in an awkward predicament; and I will boldly affirm, that it is the first time any minister ever so con-



ducted himself towards parliament. If he has fallen into a mistake and committed the noble lord, who, if he were present, would not deny what he had asserted, and would be above suffering the treaty to be thus silently refused, let him reconsider the subject. I trust, that whatever aspersions may be cast upon this House as now constituted, it will not patiently sit down under the indignity which it is now attempted to offer to it.

Mr. *Bathurst*. All I contend for is, that the House has nothing to complain of this evening, but that the subject of the troops in the low countries was not introduced into the Speech. Whether government will or will not, at any future period, produce the treaty or convention alluded to, I do not pretend to affirm. All I can say is, that they have no intention at present to communicate it to parliament.

Mr. *Whitbread*. We cannot help feeling a little compassion for their infirmities—  
[Order, order!]

Here the conversation dropped.

Mr. *Whitbread* wished to know, whether the right hon. gentleman had any plans of finance, which he intended to submit, and how early it was probable he might be prepared to bring them forward?

The *Chancellor of the Exchequer* stated, that the forms of the House would scarcely admit of an earlier day than Monday for the sitting of a committee of supply.

Mr. *Tierney* inquired what the right hon. gentleman meant to propose with regard to the Property Tax, during the present session? It would be of importance also to many members and the country at large, if he could name the probable period when he should be able to submit any measure upon that subject.

The *Chancellor of the Exchequer* said, that as far as he could judge at present, he should not propose any plan before Christmas.

## HOUSE OF COMMONS.

Monday, November 9.

AMERICAN WAR.] Mr. *Whitbread* understood the right honourable the Chancellor of the Exchequer had yesterday referred to certain dispatches which were not published, respecting the atrocities committed by the Americans. He wished to know if those atrocities were not committed two years ago, and if sir George Prevost, having taken a certain measure of retaliation, had not declared his future conduct should be regulated by

the course pursued by the Americans. Had any intermediate correspondence taken place after this, prior to the burning of Washington? The contradiction which he had pointed out on the preceding night between the orders said to have been received by sir Alexander Cochrane from sir George Prevost, and the proclamation issued by sir George himself, ought to be explained. While on his legs, he wished to ask another question respecting the two persons whom he had mentioned as having been given up to the Spanish government from Gibraltar. He wished to know if any steps had been taken to gain information on this subject? The names of the parties were Coreà and Puigblanc. The officer concerned was named Smith.

The *Chancellor of the Exchequer* stated the atrocities committed by the Americans, which had been particularly referred to, to have occurred on the 6th October, 1813, and not in 1812. The papers of which he had spoken, were not official documents, but they were entitled to full credit. Sir George Prevost, for some of the outrages committed in Canada, had retaliated on the American frontier, and declared his future conduct should depend on that of the enemy. The subsequent barbarities of the Americans had since rendered severe measures necessary. With respect to the question as to the alleged treatment of two persons at Gibraltar, he had only to say, an inquiry would immediately be made.

Mr. *Whitbread* asked if there was any clue by which ministers could explain the contradictory proceedings of sir George Prevost himself, and sir Alex. Cochrane, who stated that he was acting under the express orders of sir George Prevost?

No answer was returned.

## BRITISH TROOPS ON THE CONTINENT.]

Mr. *Fremantle* expressed his surprise, that no communication had yet been made to the House on the subject of the convention, by which this country agreed to support a certain number of British troops on the continent. By this time, he had hoped that the noble lord, the secretary for foreign affairs, would have been able to transmit to his government some information on the subject of that agreement. But he understood, notwithstanding the declaration of the noble lord, during the last session of parliament, that this convention was not yet ratified. What he therefore complained of was, that, prior to

the ratification, the House should have been called upon to make good expenses which were to be incurred under an unfinished instrument. If, as he understood, the convention was not ratified, there was no ground on which they had a right to maintain a force abroad. They were last night told, that it was necessary, for the safety of the continent, to keep a great force on foot; they were informed by a right hon. gentleman (Mr. Bathurst) that, unless such a force were provided, the treaty of Paris would be nothing better than waste paper. This was a subject of the utmost importance; yet, without the shadow of information, they, who were acting for their constituents, were called upon to vote the requisite supply, merely on the ground, without any reason being adduced to support it, that it was necessary to keep up a force on the continent. When he last night stated his conviction, that it was unconstitutional to keep up an army abroad without the concurrence of that House, he was told that he was mistaken. He would, however, maintain, that to send troops out of the country, without making any communication to parliament, was unconstitutional and illegal: and he called on the right hon. the Speaker to state whether any precedent existed, in which the British troops were employed abroad, without a communication from the crown being made to the House on the subject, by one of his Majesty's ministers? He would contend that there was no such precedent. Formerly an Englishman would look with jealousy, and justly so, if such a measure were attempted. Who could possibly calculate the expense? The minister estimated it at 40,000*l.*; but it might be much greater—it might rise to 60 or to 100,000*l.*; it was a matter of uncertainty; the Speech from the throne went no farther than to say, that we must provide the necessary supply.—There was another point, too, which it was material to consider. Those British troops, those Englishmen, were under the command of a foreign officer, an independent sovereign prince, who could not be amenable to the laws of this country for any misconduct of which he might be guilty. It was far from his intention to insinuate the slightest disrespect towards his serene highness the hereditary prince of Orange; he had the highest opinion of that exalted personage, both as to his military and private character; and, in his campaigns under lord

Wellington, he had conciliated the esteem of the whole army. But this case, he contended, was unprecedented in the history of this country, and demanded the most serious attention of parliament. He was aware it might be replied that prince Ferdinand commanded British troops in Germany; but there was a British commander under him, and he commanded them in no other way than as he was the commander in chief of the whole allied forces. The prince of Orange would not be answerable to our laws, supposing a case wherein he might misconduct himself. If any proof were wanting of this, he would refer to the recent proceedings of the duke de Guiche, who was an officer holding a commission in the British army. When, however, by the restoration of the Bourbons, he recovered his property and honours, and was required to attend his duty in this country upon a court-martial, what was his conduct? He replied, that he had quitted the service, and it was not convenient for him to attend. Suppose the prince of Orange, then, were to act in such a manner as should justly call upon that House to stigmatize his conduct, and he were required to come over to this country, and answer such charges as might be preferred against him, how could they enforce his attendance? It would be impossible to do it; and yet, under such circumstances, the lives of British soldiers were placed under his control. Again he disclaimed all intention of insinuating that any such misconduct could occur; but it seemed to him a most important topic for parliament to consider, and therefore he should move, "That an humble Address be presented to his royal highness the Prince Regent, requesting that he will be graciously pleased to direct that there be laid before this House a copy or copies of any arrangements entered into by his Royal Highness with any foreign powers, for the support of British or foreign troops on the continent of Europe."

The *Chancellor of the Exchequer* said, that he was now able to acquaint the House that this convention, though signed, as stated by his noble friend towards the conclusion of last session, had never been ratified on the part of the allies. That would create no surprise, when it was considered that all the ministers of the great allied powers had been employed during the summer in journeys and negotiations. For that, and other reasons with



which they were not acquainted, the ratification had not taken place; and therefore being an incomplete instrument, it had not yet been presented to parliament. Such being the state of it, he should feel it his duty to move the previous question upon the present motion. The convention itself arose out of the treaty of Chaumont, which had for its object to unite the forces of the allies, in order to subdue the overwhelming power of Buonaparté. When that object ceased, from the restoration of the Bourbons, much still remained to be done in determining the future condition of the territories which were wrested from the dominion of France; and it was agreed that each of the contracting parties should, notwithstanding, keep on foot a proportion of that quota of force which had been stipulated in the treaty of Chaumont. The troops in question were sent as part of our contribution towards carrying on the war, and they would have been equally sent there had no treaty existed. The treaty of Chaumont had been sanctioned by the House; and the employment of the troops in the Low Countries was only a part of the engagements entered into by that treaty. Independently, however, of any treaty, he apprehended there was no place to which they could have been sent, more interesting or more important than Holland and the Netherlands. The defence and protection of those countries had always been considered by every statesman as of the greatest moment, and he believed that if he had had to apply, as probably he might have, to parliament, for the support of a body of troops in the Netherlands, independent of any treaty, he should meet their approbation. When the convention was ratified, it would of course be communicated to the House; or if it should happen that the allied powers, in consequence of any arrangements that might be made at the Congress, should think it unnecessary now to ratify that convention, then also some explanation would naturally be given to parliament. With regard to the illustrious individual who commanded them, he perfectly agreed with what had fallen from the hon. gentleman, as to the little probability of any misconduct on his part; but supposing such a case possible, he was certainly amenable to the laws of this country, as a British officer, and liable to lose his rank and emoluments.

Mr. *Whitbread* said, that the last argument of the right hon. gentleman, with

which he seemed to console himself, reminded him of the consolation which was held out to that House some years ago, when the Austrian loan was negotiated. It was then said, that if the emperor of Germany should fail in his engagements (and he did fail, for we were still bearing the burthen of that loan) he might be sued in his own courts for recovery. He had never heard, however, that either the Solicitor or Attorney General had gone over to learn the German language; and he believed the emperor had consequently never been sued. Just so they were now told, that if the prince of Orange should misconduct himself, he might be deprived of his honours and profit as a British officer, and be brought to this country to answer such misconduct. But how was he to be brought? He apprehended they must send an armed force thither, and after all, perhaps they would not catch him. It was really absurd and childish to talk of bringing a sovereign and independent prince to an account in this country, for any misconduct which he might commit. He, for one, most thoroughly disclaimed any thought of such misconduct; but they were to look to possible circumstances. In adverting to the other parts of the right hon. gentleman's speech, it appeared that they whose infirmity he had pitied on the preceding evening, were now as much to be pitied for their ignorance. The ministers of the crown in that House, came down to ask money upon the faith of a treaty on which they had been acting, though they did not know whether it had or had not been ratified. The sort of excuse he had set up, ought not to be received by the House. Lord Castlereagh had been long enough in Vienna to have had the convention ratified. The Congress met on the 22d of September, and couriers were constantly passing to and fro. If there was a period when the ratification might have been easily effected, it was the present, when the ministers of all the monarchs of Europe were concentrated in a point. A right hon. gentleman (Mr. Bathurst) had last night told them, that if an army were not kept up in Belgium, they might as well have a piece of waste paper as the treaty of Paris. By the same principle, what were all other treaties, but pieces of waste paper? The right hon. the Chancellor of the Exchequer had argued, that government were acting under the treaty of Chaumont, which was intended to check

the power of Buonaparté, if peace were concluded with him. But, when he was deposed, or abdicated the throne, the treaty of Chaumont, he would contend, became a nullity. If the right hon. gentleman argued, that it was as necessary to keep up an armed force now, as when the treaty of Chaumont was signed, then it was evident that nothing had been gained by the exertions of the allies, since all the parties were obliged to continue with arms in their hands to prevent the aggrandizement of France. When, he should be glad to know, would this state of things subside? When would the British troops be withdrawn? When would Holland be able to stand alone? Was the restored house of Bourbon to be considered as an enemy equally formidable with the fallen dynasty of Buonaparté? It appeared that considerable forces had been recently sent to Belgium; perhaps for wise and useful purposes, but these purposes ought to be explained. Let not the parliament of England dispense with its old established forms, but insist that the decorum due to it should be observed. He could not conclude without observing, that the armies of the different allied powers were extending themselves throughout different territories, from which it might hereafter be impossible to dislodge them. They seemed to be imitating the conduct of Buonaparté, who, at the peace of Amiens, between the signing of the preliminaries and the definitive treaty, annexed to France the several Italian states. So Austria and Prussia were now possessing themselves of different portions of territory, which they might not hereafter be disposed to surrender.

Mr. *Bathurst* said, that in point of substance, the thing stood now exactly as it did at the conclusion of last session. The mode of doing it might, indeed, be quarrelled with by the hon. gentleman opposite. It had been stated by the noble lord, that until the different arrangements with respect to the countries conquered from France were definitively settled, it was agreed by the allied powers, that each of them should keep up a certain proportion of military force. The other powers had done this. The case itself was new and unprecedented, and the proceedings required by it were necessarily the same. By this treaty of Paris, Europe had been left in a state such as it had never been before. Belgium was, unquestionably, the place of all others, the occupation of which

by British troops ought to be unattended by any jealousy. He denied having last night characterized a treaty as 'waste' paper. What he had said was, that a treaty was only paper, unless effect were given to it by acting upon it. For instance, we had surrendered some islands to France. Were not the French to send a force to take possession of them? The French had agreed to withdraw from Belgium, but unless the fortified places of that country were occupied, of what avail would be the agreement? Or would the hon. gentleman wish the protection of that country to be left to Russia, or Austria, or Prussia, rather than to the nation so materially interested in its fate as Great Britain? Although he thought that this was the most proper employment of the forces which this country was pledged to keep up, yet he felt no jealousy of any of the nations. He did not consider that in this arrangement there was any more jealousy shewn towards France, than towards Austria, Russia, or Prussia. It was evident that Belgium, being ceded by France to the allies, must be garrisoned by the troops of some of the coalesced powers, and he thought that no troops could more properly be employed for that purpose than our own. It had been asked, how long was this to last? He could not exactly tell, as the effects of the treaty would not be completed until the congress at Vienna had finally settled the fate of all those countries which had been recovered from the dominion of France. As to the convention itself, it could not be laid before the House until it was ratified: he had no objection, however, to the substance of it being communicated to them. As to the objection of having the British army commanded by the hereditary prince of Orange, he could not distinguish the difference between the present case and that of prince Ferdinand commanding the British army in Germany.

Mr. *Tierney* said, that although prince Ferdinand had had the military direction of the British troops, the punishment of them was entrusted, by special commission, to the marquis of Granby alone. So it was with the duke of York, when acting under the prince of Saxe Cobourg. Now, the prince of Orange had absolute and uncontrolled power, not as regarded the military operations only, but as it regarded the punishment of the British troops; a situation in which British soldiers were never before placed. He trusted this evil would

be removed by giving to some officers of the British army an authority similar to that formerly enjoyed by the marquis of Granby and the duke of York. With respect to his hon. friend's motion, he could see no difficulty in making a return to it. It was for copies of any engagement that had been entered into by his Majesty with foreign powers. Now the right hon. gentleman had acknowledged that such an engagement had been made, and that it had been ratified by this country. Why not produce it? It was important to do so, because the return would necessarily be accompanied by a statement of the reasons which had occasioned his Majesty to be the only one of the contracting parties by whom the treaty had been ratified. To him it appeared to be highly indecorous for ministers to talk of the employment of British troops under a foreign power, without having put parliament in possession of any document on the subject. It was highly injurious, he believed it was unprecedented, for parliament to recognize such an application of British troops without any previous communication from the crown. It was, besides, highly desirable to know the precise engagement stated in the convention. What was the number of troops to be furnished by Great Britain? Some said 40,000, others 50,000. By a third set it was rumoured that 75,000 men was the number to be furnished; with this condition, that if a fewer number were sent, the deficiency should be supplied in money, at the rate of 28*l.* a man. Would the House submit to be kept in ignorance of the facts? He allowed that Belgium was to us a most interesting country. But was it a sufficient answer to all inquiries to say, that our troops were employed there, without producing any details of the conditions of their service? He could not see why the treaty had not been ratified. It was curious to hear the right hon. gentleman say, that because all the secretaries of state of Europe had been assembled together, that a delay has arisen in the completion of this instrument! If their absence had occasioned confusion and blundering, that would have been perfectly intelligible; but as it was, he confessed his astonishment that the ratification had not taken place in half an hour. It was material to know if the money to be furnished by us was employed for the common interest, or for the particular objects of particular powers. Had the

treaty been fully carried into effect? The right hon. gentleman said it had been acted upon. Yes, by us; but had it been acted upon by the other powers? If so, produce it, and let that fact be shown. What objection could there possibly be to let parliament have the substance of the treaty?

Mr. *Bathurst* said, across the table, that he had stated in his speech his readiness to afford that which would be fully explanatory of the treaty in question.

Mr. *Tierney* was not aware that the right hon. gentleman had entered into any explanation on the subject. Had he said any thing of the number of men to be furnished by this country?

Mr. *Bathurst* replied, that he had offered to the hon. mover, before he brought forward his motion, to produce the substance of the convention, and he had just repeated that offer on his legs.

Mr. *Tierney* said, that he had not understood it so; but that the declaration of the right hon. gentleman was quite sufficient. He would therefore sit down, to listen to the way in which the communication was to be made.

The *Chancellor of the Exchequer* observed, that the way would be by laying before the House the substance of the convention in question.

Mr. *Fremantle's* motion was then withdrawn.

RESOLUTIONS RESPECTING PUBLIC BUSINESS.] On the motion of the Chancellor of the Exchequer, it was resolved, "That in this present session of parliament, all orders of the day, set down in the order book for Mondays and Fridays, shall be disposed of before the House will proceed upon any motions, of which notices shall be entered in the order book."

RESOLUTIONS RELATING TO PRIVATE BILLS.] On the motion of the Chancellor of the Exchequer, it was resolved, 1. "That this House will not receive any petition for private Bills after Friday, the 25th day of this instant November. 2. That no private Bill be read the first time after Monday, the 6th of March next. 3. That this House will not receive any report of such private Bill after Monday, the 1st day of May next."

MILITIA.] Lord Bridport appeared at the bar with the Report of the Address to the Prince Regent.

Lord *Milton*, before the report was brought up, wished to put some questions to the right hon. gentleman opposite, with respect to the disembodying the militia. It had always been understood, that upon the restoration of peace, the militia regiments were to be disembodied. He wished to know upon what grounds it was, that some regiments had been disembodied, while others were still kept up. This operated with peculiar severity upon some counties, while others were exempt from the hardship. It must be recollected, that the wives and children of militia-men were supported by county-rates, or by other rates, which fell equally on the county. It, therefore, now happened, that this pressure fell exclusively on some counties, and not upon others. It was also an amazing grievance to the men themselves, who had served through so long a war, and thought the moment arrived when they might rejoin their families, to find that they were still to be kept up, as if the war had still continued.

Colonel *Gore Langton* could not let this opportunity pass, of expressing his high admiration of the conduct of the officers and men of the regiment of militia which he had the honour to command, who, after twelve years service, being called again from their native country, marched with an alacrity which did them the greatest honour, to the discharge of another service. He hoped and trusted that ministers would take the earliest opportunity of convincing the militia, that it was not intended to keep them embodied a moment longer than was possible; for the continuance of some of the regiments in service had excited a strong sensation among them.

Mr. *Bathurst* said, that with respect to the legal part of the noble lord's observations, it must be remembered, that though we were at peace with one power, we were not at peace with all; and that therefore, if the service of the country required it, government was fully justified in keeping embodied as many regiments of the militia as seemed necessary. If it were

not necessary to keep the whole embodied, how were those counties, whose regiments were retained in service, injured by the other counties being relieved from the burthen? Adverting to what had fallen from the hon. colonel who had so distinguished himself in his command of a militia regiment, he readily acknowledged that nothing could be more creditable than the conduct of the regiment which that hon. gentleman commanded; and declared, that his Majesty's ministers were anxious to take the first opportunity of which their duty would permit them to avail themselves, to effect the reduction of the militia altogether.

Lord *Milton* observed, that the preambles of the Militia Bills ran, "Whereas it is expedient, as a defence against invasion." Now, really, he did not suppose there was any apprehension of our being invaded by America.

The Report of the Address was then brought up, and agreed to.

In answer to a question from Mr. *Tierney*, respecting the Army Extraordinaries, the Chancellor of the Exchequer said, that he proposed to bring forward to-morrow the general account of the bills drawn on the treasury; but he apprised the right hon. gentleman that the account could only be very general, and that it was impossible, at this early period, to furnish the items or details.

Mr. *Tierney* apprehended, from what he had just heard, that there was no probability of knowing whether any mode could be adopted of furnishing a complete account of the military expenditures occasioned by the war on the continent, which might be taken as the winding-up of the business.

The *Chancellor of the Exchequer* rejoined, that he thought this would be utterly impossible.

ABSTRACT OF THE NET REVENUE TO 10TH OCT. 1814.] The following Paper was presented by Mr. Charles Grant, jun.



ABSTRACT of the NET PRODUCE of the REVENUE, in the Quarters and Years ending 10th October 1813, and 10th October 1814 :—Distinguishing the Total Produce of the Customs and Excise.

	Quarter ended 10th October 1813.	Year ended 10th October 1813.	Quarter ended 10th October 1814.	Year ended 10th October 1814.
CUSTOMS:				
	£.	£.	£.	£.
Customs, - - Consolidated.....	857,271	3,905,936	1,567,749	4,193,319
Ditto - - - Annual Duties....	1,400,679	2,731,091	1,507,353	2,636,902
Ditto - - - War Taxes.....	1,185,181	3,520,194	1,142,602	3,382,953
Total Produce of Customs... £.	3,443,131	10,157,221	4,217,704	10,213,174
EXCISE:				
Excise, - - Consolidated.....	4,995,766	16,691,167	4,975,216	17,787,192
Ditto - - - Annual Duties....	120,916	462,789	114,896	464,042
Ditto - - - War Taxes.....	2,111,978	5,406,203	1,960,688	5,903,315
Total Produce of Excise..... £.	7,228,660	22,560,159	7,050,800	24,154,549
Stamps .....	1,395,061	5,265,064	1,459,855	5,540,666
Post Office .....	361,000	1,394,000	405,000	1,453,000
Assessed Taxes.....	624,086	6,096,633	577,008	6,423,312
Property .....	5,240,071	13,814,153	5,112,081	14,189,137
Land Taxes.....	146,694	1,165,322	145,368	1,105,016
Miscellaneous.....	92,515	422,600	69,169	383,010
Pensions, &c. Annual Duties.....	- - -	1,500	—	—
£.	7,859,427	28,159,272	7,768,481	29,094,141
TOTAL NET REVENUE..... £.	18,531,218	60,876,652	19,036,985	63,461,864

HOUSE OF LORDS.

Thursday, November 10.

LORD WALSINGHAM.] The Earl of Liverpool, after a short eulogium on the long and zealous services of lord Walsingham as chairman of the committees of that House, concluded by moving an Address to the Prince Regent, “humbly to represent to his Royal Highness the faithful services of lord Walsingham, as chairman of the committees of that House, and the indefatigable attention devoted by his lordship, during a period of 20 years, to the private Bills in the House, which had so essentially contributed to increase the character of the proceedings of the House, and eminently to benefit the subject; and to pray that some mark of acknowledgment might be conferred upon lord Walsingham for such services, he having, by infirmity, been compelled to retire from the situation of chairman of the committees.”

This Address, after a few words from the lord Chancellor and earl Fitzwilliam, expressive of their approbation of the services of lord Walsingham, was agreed to *sem. dis.*

THE EARL OF SHAFTESBURY APPOINTED CHAIRMAN OF COMMITTEES.] The Earl of Liverpool, after a few observations, urging the fitness of the earl of Shaftesbury to fill the situation of chairman of committees, from whose ability and zealous attention already displayed in that office during a considerable part of last session, there was every reason to believe he would be eminently calculated to fulfil the duties of it, concluded by moving “That the earl of Shaftesbury be appointed chairman of the committees of that House.”—Ordered; and also on the motion of the earl of Liverpool, “That the earl of Shaftesbury do take the chair in all committees of the House, and in all select committees, unless any such committee should be specially empowered to chuse their own chairman.”



## HOUSE OF LORDS.

Friday, November, 11.

THE MILITIA.] The order for summoning their lordships, upon the motion of earl Fitzwilliam respecting the Militia, being read,

Earl *Fitzwilliam* rose, and adverting to the value and importance of the militia establishment, illustrated the necessity of guarding it with peculiar jealousy. The several statutes which the legislature in its wisdom had enacted upon this subject, afforded, he observed, ample evidence of its solicitude to preserve that great constitutional force from any sort of violation, to prevent any perversion of it from the original objects of its institution. Those objects were, therefore, clearly defined by the law; and to apply the militia to any purpose not within the contemplation of that law, would, he apprehended, naturally claim the attention of parliament. Looking to the law in order to understand its letter and spirit, he was led to conclude, that there were only four cases in which it was provided that the militia should be called out or embodied: these four cases were invasion, imminent danger, insurrection, and actual rebellion; and he held, that if the militia were embodied in any other case, the law was directly violated. What then was to be thought of keeping the militia embodied at a time when none of the cases described could be said to exist? Under such circumstances, he decidedly thought that, according to law, no part of the militia could be embodied. This he ventured to lay down as a position sustained by the contents of the different statutes applicable to the question. Upon what ground the keeping of the militia embodied at present could be justified, he was wholly at a loss to conceive, peace being restored in Europe; and in the present state of the country, he could not suppose that any of the cases he had mentioned could be alleged to exist. It was not stated that there was any such serious apprehension of danger from abroad as these cases referred to, and it could not be pretended that the country was in any degree disturbed. He, indeed, felt himself warranted in asserting that neither of these cases did exist, and therefore he maintained, that keeping the militia embodied was in direct violation of the law. Having said so much as to the law upon this subject, the noble earl proceeded to animadvert upon the grievances occasioned

by embodying the militia. The circumstances of the men who were thus compelled to remain in a military establishment, were, he felt, peculiarly deserving of consideration. How many peasants and tradesmen, originally forced to enter the militia, were, by continuing the establishment, denied the happiness they had promised themselves of returning to their homes and families upon the conclusion of peace! How many of that description were thus excluded from the enjoyment of their domestic comforts, which were no doubt comparatively few, but still they were the comforts of their condition, and the disappointment must be felt by them with aggravated severity! But the mortification of these deserving persons who had already devoted a great part of their lives to the public service, was not the only grievance created by keeping the militia embodied; for the several townships of every county were aggrieved through their obligation to maintain the wives and families of such militia-men as were retained in service. Thus the counties whose militia regiments remained embodied, were encumbered with the maintenance of the wives and families of the men whose industry was rendered unavailable for the benefit of these counties, while, bye-the-bye, ministers had thought proper, in disbanding some regiments, wholly to exempt from such burthens the counties to which these regiments belonged. The noble earl concluded with moving "for a return of the militia regiments which had been disbanded, and the time when the orders for disbanding them were issued, together with a return of the militia regiments which were still embodied."

Viscount *Sidmouth* said, that as the orders referred to on the motion of the noble earl, were issued from the office in which he had the honour to preside, he felt it necessary to address some observations to their lordships upon the subject. The noble earl had truly stated, that it had formed a part of the considerate wisdom of the legislature to make various provisions for the maintenance and application of our militia establishment. But in adverting to the several acts which, with regard to our great constitutional force, the policy of the legislature had thought proper to adopt as restrictions upon the prerogative of the crown respecting martial law, the noble earl had omitted to mention a case to which that force was rendered available,

namely, the recruiting of our regular army. But the authority of the crown was not, even independently of that case, by any means so limited as the noble earl appeared to think; for history afforded numerous instances in which the militia had been called out and embodied, when neither of the four cases existed which the noble earl had described. But it could not be disputed, that in a state of war the sovereign was legally entitled to call out and embody the militia of the country for its own defence. Such, indeed, had always been the universal understanding; and there was not a single clause in any of the acts upon the subject, to negative the power of the crown to call out the militia upon the existence of danger. He, however, was free to admit, that the militia were not to continue embodied after that danger had ceased; but to determine upon that cessation was left to the discretion of the executive, no doubt to a grave responsibility as to the exercise of that discretion. So much with respect to the law upon this subject; and then as to the grievances and disappointments complained of by the noble earl, who were they by whom that complaint could be consistently preferred? The balloted man was still entitled to his discharge at the end of five years, for which he was originally bound to serve; and as to the substitute, he was engaged to serve for years, or so long as the regiment in which he enlisted continued embodied. Such were the terms of his oath. What contract, then, was violated with these men by the plan to continue the militia establishment embodied? They had in fact no reasonable ground of complaint in being retained in the service, while the country unhappily remained in a state of war. The legality of so retaining them could not, he was convinced, be consistently questioned. In this, therefore, he totally differed from the noble earl, while he fully concurred with him in regretting the hardships alluded to; but these hardships arose out of the necessity created by the public exigency, which he alleged to exist, and to require the suspension of the order for disembodying the militia. With regard to the grievance mentioned by the noble earl, respecting the maintenance of the wives and families of such militia-men as continued embodied, he had the satisfaction of informing the noble earl and the House, that this point had been considered by ministers, and that it was in-

tended to relieve the counties to which the embodied regiments belonged, by defraying the expense of such maintenance from the public funds of the country. The noble viscount repeated, that under all the circumstances of our situation, it was found necessary to continue some of the militia embodied. The public exigency called for that proceeding, and unless some measure could be devised, equally expeditious and efficient, to keep up the public force of the country to the standard rendered necessary by that exigency, that proceeding could not be properly dispensed with; but he could assure the House, that the proceeding would not be continued longer than the exigency which suggested it should continue to exist. To the motion of the noble earl he did not propose to make any objection; but he thought it necessary to assure the noble earl and the House, that as to the regiments disbanded, no partial spirit, no undue influence whatever, had any operation, the application of the order to any particular regiments being in fact a mere matter of accident, before it was found necessary to prevent its general extension—before his Majesty's government saw the propriety, from peculiar circumstances, of forbearing from any further reduction of our means of domestic defence, or of provision for the supply of our foreign exigencies.

Lord Grenville thought it proper to afford the noble Secretary an opportunity of setting himself right, if he had not correctly understood the purport of his observations. But first, with respect to the law upon this subject. Before he came to the House he had great doubts as to the legality of the proceeding of ministers, in ordering the militia to continue embodied, notwithstanding the conclusion of peace in Europe; and these doubts, instead of having been removed or shaken, were, he must confess, considerably strengthened by what had fallen from the noble Secretary of State. If, then, the ground stated by that noble lord were those only upon which it was proposed to rest, he should pronounce the measure of ministers to be totally unwarrantable. He should, however, reserve the right of changing his opinion, if other and satisfactory grounds for this extraordinary measure should be advanced. But the noble earl had, in the course of his endeavour to justify this measure, offered arguments which were not only inconsistent

with the laws for regulating the conduct of the militia, but wholly irreconcilable with the principles of a free government. What did the noble Secretary mean by describing the laws respecting the militia as restrictions upon the prerogative of the crown? Did he mean that those laws only restrained the crown from subjecting the people of this country to martial law, while the fact was, that, according to the law of England, the crown had no right whatever to exercise such an authority, excepting in one case only, namely, in the event of actual invasion? If the noble Secretary thought otherwise, he was sure the learned lord on the woolsack would correct his error. The laws relative to the militia, no doubt, restrained the crown from using that force in any cases different from those pointed out by the legislature, and these cases had been correctly described by his noble friend who brought forward the motion. But the noble Secretary alleged, that there was no clause in the Acts referred to, which distinctly prescribed when the militia should be disembodied. To his mind, however, the prescription appeared sufficiently distinct: for those Acts, in describing the cases of public danger in which the militia should be embodied, naturally pointed out when they should be disembodied; that when the cause of embodying them should cease, the effect should cease also. But yet, according to the opinion of the noble Secretary, discretion was left to government to determine the time and circumstances in which the militia should be disembodied. He, however, would venture to assert, that ministers were not invested with any such discretion. The law described the causes for embodying this force, and the discretion of government was limited by the existence of these causes. The noble Secretary, therefore, was under a complete misconception of the law. But the noble Secretary was not only misinformed as to law, but misinformed as to fact: for history, to which the noble Secretary had thought proper to refer in support of his view of the subject, was decidedly against him. From history it appeared, that since the original institution of the militia, four cases had occurred in which that force was called out and embodied:—first, in the seven years war; and although this country was, at the close of that war, completely triumphant, it would be recollected that in the course of the war there was reason

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to apprehend invasion; indeed, the design to invade us was actually manifested by the enemy; and, under these circumstances, the militia was embodied. The next case occurred in the course of the American war; but it would be remembered, that although that war commenced in 1774, it was not until America was joined by France, which had the power to invade this country, and until Spain also, which had the means of asserting an invasion, manifested a disposition to enter into alliance with the enemy, that our militia establishment was called out; so that four years had expired after the commencement of the American war, before it was attempted to embody the militia, and that notoriously in order to guard against invasion, which there was but too much reason to apprehend from the actual appearance of the combined fleet off our coast. The danger, indeed, of invasion, instead of decreasing, continued to increase up to the very conclusion of that unfortunate war; so that in these two cases, to guard against invasion was the cause for embodying the militia. Such was the indisputable testimony of history, which the noble Secretary had quoted in support of his opinion. Then, as to the third case, it would hardly be disputed; for without referring to written records, it was within the recollection of our own time, that in 1793 the militia was called out in order to guard against insurrection; and the existence of that danger was not communicated to the House merely on the assertion of a minister, or through a passage in any individual's speech, but on the authority of a secret committee, whose report was grounded upon a mass of evidence. That the cause assigned for calling out the militia at that day was well-founded, he, from personal knowledge, could satisfactorily speak; and through the existence of that cause, the militia was embodied even before the commencement of the war. Now, as to the fourth case, the noble Secretary could himself best tell as to the cause of calling out the militia at the commencement of the war, which terminated with the late peace. The noble Secretary, who was then the minister of the country, would, he apprehended, bear out the assertion, that the cause for calling out the militia at that time, was with a view to guard against invasion, which, indeed, the then ruler of France expressed his resolution to attempt, and actually made

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preparation to effect. Here were the only cases in which the militia were embodied since their original institution, and all were comprehended within the description of his noble friend. Where, then, were to be found the numerous instances which history afforded, according to the assertion of the noble Secretary, in which the militia were called out, when none of the cases described by the noble mover had any existence? But, leaving the noble Secretary to revise his historical quotation, he would ask, upon another part of his speech, what was meant by the assertion that government was warranted in calling out the militia whenever the country was at war? If it was meant that a state of war justified the embodying of the militia without any reference to the apprehension of invasion or insurrection, then the principle might be pressed to warrant the calling out of this force upon the existence of any war in India. But the fact was, that no such principle could for a moment be maintained; and it was his fullest conviction that if the measure of ministers, which gave rise to the motion, had no other grounds to stand upon than those stated by the noble Secretary, that measure was not only not legal, but grossly illegal. If there existed no ground of apprehension from the continent of Europe, and that apprehension was removed by the peace, what reason could be assigned, what necessity could exist, for increasing the means of an internal defence in the present undisturbed state of the country? Why, then, should the militia continue embodied? What danger or apprehension of danger could be supposed to warrant such a measure? The merchants had no doubt made loud complaint of their apprehensions from the activity of American cruizers, by which it was alleged that our ports were nearly blockaded; but was it apprehended that there was any danger of an invasion of this country from America, to make the embodying of any part of the militia necessary? If so, then let recourse be had to parliament to consider and allot the proportion deemed necessary, so that the burthen shall be fairly distributed among the several counties. The noble Secretary had assured the House, that no partiality was intended in the allotment which now existed; that it was through mere accident the militia of any county had been disbanded while that of another was retained; and farther, that those counties whose regiments were retained in service, should be

relieved by the public purse, from the burthen of maintaining the wives and families of the militia-men. But, did these assurances afford an adequate remedy for the evils complained of? It was the duty of the legislature to interpose upon such an occasion, not merely to remove partial pecuniary burthens, but to remove inequality of service. The pecuniary burthen was, in fact, but a trifling grievance, compared with the inequality of personal service, which the measure under discussion created. The noble lord concluded with repeating his opinion, that if the country were really in so deplorable a state as to apprehend invasion from America, and that therefore the militia, or any part of it, must continue to be embodied for ensuring our domestic defence, it was a subject proper for the consideration of the House, how the burthen of providing for the force deemed necessary should be equally divided.

Viscount *Sidmouth*, in explanation observed, that he had been much misunderstood by the noble lord. He never asserted that the militia laws were merely a restraint upon the prerogative of the crown from calling upon all his Majesty's subjects for military aid; all he meant to state was, that those laws were a restraint upon the crown, so far as regarded the special cases under which alone the militia were to be continued embodied. The instances quoted by the noble lord had also been quoted erroneously, the militia having been continued embodied in the French and the American war, after all imminent danger of invasion had ceased. With respect to the war likewise that commenced in 1792, he was surprised to find that the noble lord's memory had failed him, it being the fact, that the secret committees alluded to by the noble lord, did not investigate the subject till a considerable period,—not till the year 1794 or 1795—after the militia were called out. In all the instances indeed, the militia were continued embodied long after all danger of invasion had ceased. In the late war, for example, all danger of invasion had ceased after the remnant of the French army returned from Moscow; at which period, if the principles of the noble lord were to have been adopted, the militia ought immediately to have been disembodied. This served to prove the erroneous construction which the noble lord had put upon the militia laws; a construction which was at variance with all the practice upon the subject. As to the



supposition of the noble lord, that he had hinted at any danger of invasion from America, it was completely unfounded; all he had stated was, that the foreign and domestic calls for military service rendered it necessary that the militia should be continued embodied; and however he might lament the inconvenience of the burthen that thereby ensued, the exigencies of the public service rendered it imperative.

The Earl of *Donoughmore* observed, that what had been already said upon the question immediately before the House, rendered it unnecessary for him to enter at length upon the subject. He could not, however, help observing upon the partiality which appeared to have been observed in continuing some regiments of militia embodied, and disembodying others, and on the vacillation which seemed to have marked the conduct of ministers upon this point. Whilst important negotiations were under their care abroad, they seemed to have nothing to do at home but to attend to the military service, and yet upon this subject the strangest inconsistency had occurred. His noble friend had, he thought, given an amply sufficient answer to the noble viscount, as to the legality of continuing part of the militia embodied. The noble viscount, however, seemed to intimate that this was to be so far rendered a permanent measure, that a special act of parliament was to be proposed to regulate it. Why this should take place without some better reason being assigned for it, he was at a loss to understand; certain he was, however, that the proceedings of ministers in disembodying some regiments of militia, and continuing others embodied, ought to be looked to with a watchful and jealous eye. The continuing the militia embodied, for instance, in the district of which his noble friend, the mover of the present question, was the natural protector, was a grievous burthen; whilst in Ireland it was far from being a burthen, it was looked up to as a service of advantage and emolument, and afforded a considerable patronage to the government. It ought not, however, to be endured that the government should convert into a source of patronage this partial measure of continuing embodied a certain portion of the militia. What were the actual intentions of ministers, he knew not; but certainly in Ireland there had been a strange jumble of marchings and counter-marchings, orders, and counter-orders. Nothing could

be more ridiculous, for instance, than their indecision respecting a trifling military question. The cavalry barracks at Cahir had been delivered up two years ago in a perfect state, whilst in the barracks of Clonmell, where the 15th dragoons were quartered, complaints were made that they were not sufficiently accommodated; and the infantry there also complained that they were too much pressed upon by the cavalry. In answer to these complaints, it was intimated that government had had before them for three months a question respecting the racks and mangers, but had not yet come to any determination upon it. Seriously, however, some information ought to be laid before the House as to that state of the continent, which, according to the noble viscount, created the necessity for this partial measure regarding the militia. Upon this subject there never was a speech so remarkable for giving such little information as the Speech recently delivered from the throne, or as to any reason or necessity for calling parliament together. With respect to Ireland, ministers seemed to have forgotten that there was any such country forming a part of the United Kingdom. Not a word was said relating to it. It might have been thought, that after what passed towards the close of the last session, something would have been said. At that period two Bills were passed, one of which was for the revival of the Act, known by the name of the Insurrection Act; and the other, for want of some more appropriate name, had received that of the gentleman, who, as Secretary, managed the affairs of Ireland, and who was supposed to take a particular interest in the measure, and was commonly called Mr. Peel's Bill. These measures were proposed at a time when nearly all the Irish members were absent, and without any of that discussion or consideration which subjects of such importance demanded. He wished to ask whether either of these measures had been carried into execution in any part of Ireland; and if so, with what effect? In a part of Ireland with which he was more immediately connected, he had objected to the introduction of the operation of Mr. Peel's Bill, because there was no previous experience of any such measure; whilst with respect to the Insurrection Act, they had experience of the operation of the former act of that nature. It was on this ground that he objected to the preference given by the government to Mr. Peel's Bill.



He likewise was anxious to ask ministers a question relative to a subject which they wished probably to forget altogether—he alluded to the Catholic question. The person whose situation it was alleged was the principal obstacle to the concessions to the Catholics, had since been restored to his former territories and high functions, through the exertions of ministers; and he wished to know whether, that main objection being now done away, it was the intention of ministers to propose any measure for the relief of his Majesty's Catholic subjects?

The Earl of *Liverpool*, with respect to the militia, observed, that his noble friend had been misunderstood with regard to the Bill intended to be proposed. It was by no means a permanent measure, as the noble earl who had just sat down seemed to suppose; but merely this, that for whatever time the militia continued embodied, the counties and townships should be exonerated from the expense. He lamented as much as any one the burthen and inconvenience to which individuals were exposed by continuing the militia embodied; but it might be relied upon, that it would no longer be continued than the exigency of the public service required. With regard to Ireland, he was not aware that the bills to which the noble earl had alluded had been applied in more than one instance; but he was persuaded that they had operated in the way in which alone they were intended, namely, as preventive measures, and that to them the tranquil state of the country was in a great measure to be attributed. With respect to the question regarding the Roman Catholics, the noble earl must be aware what his sentiments were upon that point; and that though he more particularly objected to the proposed concessions to the Roman Catholics on the ground of the then situation of the sovereign of Rome, yet that he had also other and strong objections to these concessions. As to the want of information regarding the state of the continent, it was of course the inevitable result of the pendency of negotiations involving complicated and most important interests, and during the pendency of which it of course followed that no information respecting them could be communicated to parliament.

The Marquis of *Buckingham* observed, that the noble viscount had been singularly unfortunate in his remarks on the historical details of his noble relative. The

noble viscount had said, that at the beginning of the seven years war there was no danger of invasion; now, the fact was, that in 1756 so great was the danger of invasion, that German troops were called into this country in the contemplation of that event. As to the American war, the noble viscount had answered himself, by stating that there were only 6,000 men in the country at the time. In 1792, at the beginning of the French war, it was true there was not much danger of invasion; but the danger of insurrection, which was one of the contingencies stated in the act as proper for the exercise of the royal prerogative of calling out the militia, was imminent. The country on that occasion were convinced of the necessity, and gave credit to the ministry for the motive. The motives now alleged were the internal and external calls for a military force. As to the necessity for troops to provide for the garrisons at home, to call out the militia for this purpose, while we were at peace with all the powers of Europe, and with a large regular force not employed in active service, was a violation of the law and usage respecting this force. And as to the foreign calls for British troops, the Prince Regent's ministers were not justified in coming to parliament with this plea, when they refused to communicate even the fact of their being continued on the continent since the conclusion of the peace. As their lordships were ignorant of any grounds on which British troops could be employed abroad, and as we were at peace, not only with Europe, but with every country from which a possibility of invasion could arise, their lordships had sufficient motives for agreeing to the motion.

Lord *Grenville* said, he did not intend to prolong the discussion on a subject on which his noble relative had left him little to say, but to justify himself from the charge of being mistaken in the historical details which he had thought necessary to bring to their lordships' recollection. He never had asserted that the committees respecting the calling out the militia in 1792, had been formed in that year; but he had mentioned those committees as a proof that danger of insurrection had existed. The proceedings of the committees also furnished an answer to the question which the noble viscount had triumphantly asked, whether the danger of insurrection had not been immediately extinguished? since it would be seen a year

after, from the details laid on the tables of those committees, that the danger had not disappeared. The result of the details which he had adduced was, that the militia, in former times, had never been called out and embodied but under the danger of insurrection or invasion; and that when embodied, it was never kept up but when we were at war with powers within a few hours sail of our own coasts. Did the noble viscount, when he denied that there was a danger of invasion in 1778, remember the defenceless state of Ireland at that time, and the extraordinary measures to which, for the purpose of guarding against invasion, the government of that country was obliged to resort? Did he forget the immense political consequences which were the results of those measures? Did he forget that all our army was at that time in America; that in Ireland there were no regular troops; that in England there were only 6,000; that France, our enemy, was disengaged from any continental quarrel; that Spain was at liberty to employ its power against us? It was in vain to deny it: the necessity for keeping up the militia at present, arose solely from our maintaining a large part of our regular force on the continent. This result rendered it necessary for the House to investigate every branch of that subject; whether there was any authority for such a proceeding; whether the circumstances of the present time justified it; and whether, if the necessity and expediency were made manifest, a full representation should not have been made to parliament, of a step which involved such an important consequence, not merely as the noble earl opposite had said, whether one country should pay a few pounds more than another, but the partial and unequal selection from among the subjects of this realm, of persons to be kept in time of peace in military array, subjected to military command and military punishment.

The motion was agreed to.

**BRITISH TROOPS ON THE CONTINENT.]**  
The Marquis of *Lansdowne* said, that he should on Monday move an Address for the communication of the engagements entered into by this country with foreign powers, for the maintenance of British troops on the continent. It would not now be necessary to enter into farther detail, and he should merely move, that their lordships be summoned for that day.

The Earl of *Liverpool* said, that he had stated at the close of the last session of parliament, that there was an engagement in which this country had stipulated to keep up a force on the continent. From circumstances, the ratification by the other powers had not been received by this government, though we had signed that treaty. He was not aware, therefore, that it would be correct to lay the treaty in form before parliament; but he had no doubt but that, without any motion on the subject, he should be enabled to lay before the House the substance of the treaty.

The Marquis of *Lansdowne* thought it his duty to persist in his notice, as he conceived it would be more convenient that any discussion on the subject should take place on the day he had stated, though probably the noble earl would be able to state grounds to induce him to withdraw or alter the form of his motion.

The Lords were then ordered to be summoned on Monday.

**COURT-MARTIAL ON CAPTAIN BARCLAY.]**  
The Marquis of *Buckingham* gave notice, that he should on Monday move for a copy of the proceedings of the Court-Martial on captain Barclay, and the officers and men remaining, in consequence of the destruction of our fleet on Lake Erie. The object of this motion was not to throw any imputation on the officers and men, who had been honourably acquitted, but to shew the inadequacy of our force on the Lakes at the time in question, to the protection of our colonies.

## HOUSE OF COMMONS.

*Friday, November 11.*

**THE PRINCE REGENT'S ANSWER TO THE ADDRESS.]** The Speaker reported to the House, that the House attended his royal highness the Prince Regent yesterday with their Address, to which his Royal Highness was pleased to give this most gracious Answer:—

"Gentlemen; I thank you for this loyal and dutiful Address. The sentiments which it conveys are fresh proofs of that attachment to his Majesty's person and government which must always be most grateful to my heart, and of that regard for the honour and interests of our country which has so long distinguished the House of Commons, and so greatly contributed to raise this kingdom to its

present eminence among the nations of the world."

FINANCIAL PAPERS.] Mr. *Tierney* wished to know if it was the intention of the right hon. the Chancellor of the Exchequer to produce, amongst the Financial Papers expected by the House previous to the discussion on the supply, the outstanding and unfunded debt, as well as the surplus of the consolidated fund for the quarters ending the first of October, 1813, and the same period in the present year?

The *Chancellor of the Exchequer* answered, that there was no intention to withhold any papers usually expected at the opening of a session: but he must only say, that it would not be possible to produce at this time any accounts relative to the application of the vote of credit for the present year.

Mr. *Tierney*, in reply, observed, that all he wanted was precisely the same papers which were produced at this time last year, as connected with the service of the present year.

The general accounts were then moved for, and ordered. On the question for the production of those relative to the vote of credit,

The *Chancellor of the Exchequer* explained, that one million had been carried to the account of the army extraordinaries, and two millions to that of the navy, the details of which could not yet be furnished.

Mr. *Tierney* was anxious to know, whether the papers to be produced would explain the enormous arrears in the branch of the army service, which amounted to no less than 18 millions?

The *Chancellor of the Exchequer* explained, that the accounts would shew all the outstanding debts; but as the subsidies were so often paid by drafts from abroad, it would not be possible to say whether they were exactly correct.

SEAMEN AND 'MARINES' PENSION BILL.] Mr. *Croker* rose, pursuant to notice, to move for leave to bring in a Bill for the encouragement and reward of petty officers, seamen, and marines, for long and faithful service. He briefly stated to the House the object of this Bill. For the reward and maintenance of the seamen and royal marines, when disabled by wounds, or absolutely worn out, a fund was provided by the chest at Greenwich; but for seamen who were discharged after a certain length of service, though not abso-

lutely worn out, no reward was appointed. The governor and commissioners of Greenwich-hospital, though anxious to extend relief to that class of claimants, found themselves restricted by the act of parliament, which expressly pointed out those men only who were wounded, disabled, or worn out, as the specific objects of that fund. The intention of the present Bill was to do away that restriction, and to render the chest at Greenwich, and the Hospital there, available, as far as they would go, to all those petty officers, seamen, and royal marines, whom a certain length of service entitled to claim such benefit. It was also the intention of the board of Admiralty, after a certain length of service, to grant to seamen and royal marines a free discharge, with a pension, instead of that interminable service which now existed; taking care to make the regulations as analogous to those of the army, as, upon a fair and liberal view, the two services would admit. Another object of the Bill was, to consolidate the funds of the chest at Greenwich with those of the Royal Hospital. At present they constituted two nominally distinct establishments, with separate sets of offices, &c. having only one end in view. For the sake of economy, therefore, it was desirable in fact, as they were already in principle. These funds, thus united, would, he apprehended, be sufficient for the expenses likely to be incurred by the arrangements of the present Bill; but should they not cover the whole, that House, he trusted, would not be unwilling to extend its liberality towards so meritorious a class of individuals. He begged to remind the House of one thing: at present, all the funds, out of which the pensions of Chelsea College were paid, were borne by the public; while those at Greenwich were paid by the seamen themselves, out of their wages, &c. The army, on the contrary, suffered no deduction from their wages; and he trusted, therefore, he did not form too confident a hope in believing, that should parliamentary aid be necessary to place the two services upon an equal footing, that aid would be cheerfully granted. The exemplary conduct of the seamen and royal marines, had, on various occasions, called forth their admiration and approbation. They had, indeed, on various trying occasions, especially since the conclusion of the peace, when, from the ships being on distant stations, and other causes, it was found im-

possible to discharge them all with equal impartiality, given proofs of the greatest loyalty and devotion to their country. He concluded with moving, "That leave be given to bring in a Bill for the encouragement and reward of petty officers, seamen, and marines, for long and faithful service."

Mr. *Ward* made some inquiry relative to the limitation of the half-pay, and how far it included masters' mates and midshipmen?

Mr. *Croker* stated in reply, that it comprised so many persons of different ranks and service, it was quite impossible for him to give at once the particular information sought for. So far back as last May, the Admiralty called for returns from the different fleets, of the length of services, &c. of those officers. These returns were not yet completed; when they were, it was meant to make a liberal distribution of masters' mates for promotion, and also to select others for further employment: those not discharged would be retained in the ships still in commission.

Mr. *Tierney* wished to know the number intended to be so disposed of?

Mr. *Croker* replied, it had not yet been decided upon. As officers of the description alluded to, formed the germ of the future maritime force of the country, the number would be considerable, probably double the number usually on board, for those ships retained in commission.

Mr. *Benson* begged to know whether masters' mates and midshipmen would disqualify themselves for the intended remuneration, if they entered into the merchant service?

Mr. *Croker* said, by no means; it was even meant that lieutenants should be entitled to a similar extension, if they thought proper to avail themselves of it. The object of the Bill was to place them unrestrictedly with pensions, similar to those of the army, and under a certain classification.

Mr. Alderman *Atkins* suggested the expediency of allowing a sort of retaining stipend to seamen, with a view of commanding their services at a future period, should circumstances render such a step necessary.

Mr. *Croker* said, that to a certain extent the plan in contemplation would form a sort of registry, containing the names of those entitled to reward; and one to which the country could, in case of ne-

cessity, resort, and command the services of the parties, or call on them to forfeit their stipends.

Mr. *Rose* highly approved of the plan proposed by the Admiralty, on behalf of a numerous class of persons, who deserved well of their country.

Leave was then given to bring in the Bill, which was read a first time, and ordered for a second reading on Monday.

#### COURT-MARTIAL ON COLONEL QUENTIN.]

Colonel *Palmer* rose and said, he was extremely sorry to have to call the attention of the House to a subject in which it might be thought that he was actuated by personal motives: he alluded to the proceedings of the recent court-martial on colonel Quentin. As far as related to himself, there was nothing in those proceedings which affected him; for he trusted that his own character stood so perfectly unimpeached by them that it needed no justification. (Hear, hear, hear!) It was for the sake of others, not for his own, that he now addressed the House. He was aware upon what delicate ground he stood; and in his endeavours to do justice to the case, he should be anxious to avoid entering into any topic that was not necessarily connected with it; it was not his intention, in moving for the proceedings to be laid before the House, to complain of the sentence of the court-martial, but to confine himself to the observations of the court upon the conduct of the officers, which were totally unfounded, but which had been made the ground of censure and punishment inflicted upon them. He should abstain at present from any statement of what he had to offer, and in the interim should only move for the proceedings. Perhaps he might find it necessary to ground a motion upon those proceedings, but he did not wish to pledge himself to it. He was afraid he could not, consistently with the rules of the House, make the motion at that moment—"Yes, you can!" was exclaimed by several members). If so, he should then beg leave to move, "that the proceedings of the court-martial upon colonel Quentin be laid upon the table of that House."—The motion being handed up to the chair,

The *Speaker* expressed some doubt as to the propriety of its form. He apprehended it would be more regular if converted into an humble Address to his royal highness the Prince Regent; the House



however would assist him, if wrong in his recollection.

The motion was withdrawn, and shaped in the form of an Address, which being read and seconded,

Mr. *Manners Sutton* said, he felt the greatest astonishment in observing, that while the hon. member was hesitating whether to submit an immediate motion or a notice to the House, he had been cheered on by some members to the former proceeding; and he presumed they, at least, were convinced, by what the gallant colonel had advanced, that the House ought to accede to his wishes. He hoped, therefore, he should not be considered as prematurely entering into the discussion in what he had to offer to their attention. It appeared to him, indeed, that no sufficient ground whatever had been laid for granting immediately the object of the hon. member; and he put it to the feelings, to the judgment of the House, whether there were not a thousand motives for negating a proposition to submit the proceedings of any court, whether military or civil, to that House, unless very strong reasons were produced for such a proceeding. He, for one, certainly thought it would be most inconvenient to the public service. He did not mean to say that it might not be very proper under some circumstances to yield such information; but here no arguments had been employed, no facts stated, no motives held out, for the adoption of the present measure. It surely would not be contended that the legal proceedings of any court were to be produced as a matter of course, because any hon. member might think proper to come down to that House and move for them, upon the mere assertion that they were unjust to this or that person, without any information by which they could guide their conduct. If he understood the hon. gentleman rightly, he said that when the documents were produced, he should then be able to shew good grounds for calling for them. This was certainly reversing the ordinary proceedings of that House. If the hon. gentleman felt inclined to withdraw his motion, and convert it into a notice, it would then be for the consideration of the House, when that notice was brought forward, to determine upon what course it should pursue; but if he pressed it now, in the absence of all reason and argument for acceding to it, he should feel it his duty, and he thought it would be the duty of the House to reject it.

Colonel *Palmer* said, that as the right hon. gentleman wished for some facts that might justify the House in complying with his motion, he would proceed to state — [Here several members called out "give notice."]

The *Speaker* observed, that of course any thing which the hon. member might deem important, as illustrating his motion, it was certainly competent for him to deliver.

Colonel *Palmer* said, that he was under the necessity of being absent from the country in a few days, as it would be necessary for him to be at Paris. It must be some days before the members could read the proceedings, after they were put in possession of them, and the shortest delay was therefore of importance to him. But if any other member would undertake to give the notice, it might equally accomplish what he wished.

Mr. *Whitbread* said, he had been desired by an hon. friend of his, the member for Hertfordshire (Mr. Brand) to give a notice, similar to that of the hon. colonel's, for Tuesday next. It would certainly be desirable, however, that he should be present at the discussion.

Mr. *Tierney* suggested, that the hon. member might be allowed to make his statement, though the House need not come to any decisive vote upon the question on the present occasion.

Colonel *Palmer* said, he did not wish to enter into the merits of the question, till the papers were produced.

Mr. *Ponsonby* asked, if Tuesday would be early enough for the hon. member.

Colonel *Palmer* replied, that he was extremely anxious to bring the motion forward on Monday, if the House would permit him. Monday was accordingly fixed, and the notice was entered for that day.

PRINCESS CHARLOTTE OF WALES.] Mr. *H. Martin* begged leave to ask of the right hon. the Chancellor of the Exchequer, whether it was his intention to submit to the House, in the course of the present session, any plan for an establishment for her royal highness the Princess Charlotte of Wales?

The *Chancellor of the Exchequer* said, that he had received no commands from his Royal Highness upon the subject.

COMMITTEE OF SUPPLY.] On the Chancellor of the Exchequer having moved, that the House do resolve itself into a committee of supply,



Mr. Ponsonby inquired, whether, in the Committee on Monday next, it was intended to go fully into the state of the finances of the country, and into those objects for which the supply was required. Before one shilling was voted, the country ought fairly to know the purpose for which it was applied. He, for one, would oppose any grant, not prefaced by the fullest information.

The *Chancellor of the Exchequer* said, that as the successive votes came forward, he should enter into such statements as would give all the necessary explanations according to the best of his judgment.

Mr. Ponsonby replied, that the answer of the right hon. gentleman was not a satisfactory one. The first vote that should be brought forward, calling for any large sum, whether to be applied to the naval or military service, he should resist, unless a general statement of the financial affairs of the country was previously given.

The House then went into the Committee.

Mr. Horner said, the Speech from the throne referred to arrears; and a paper had been laid upon the table, by which it appeared that, notwithstanding nine millions had been anticipated last year for army extraordinaries, the arrears upon that service alone amounted now to not less than ten millions. Upon the general question of supply, he did not think it necessary to dwell longer on this point; but he trusted a more detailed account how those arrears had accrued would be given than what was contained in a mere slip of paper expressing their amount.

The *Chancellor of the Exchequer* said, it certainly was his wish to give the House as much information as possible. He had already stated, that it would not be possible to enter at present into the details; but he should be prepared on Monday to state, in a considerable degree, the amount of expense incurred under each particular department in the Peninsula. Beyond this, however, he could not possibly go. At the same time, when the House compared what was called the enormous deficiency with the splendid events and advantages that had been gained, it would not think that the money had been misapplied. The expense this year of the war in France and Spain, like the events which that war had produced, were beyond all calculation; but as the subject was now happily at an end, it was his desire to explain, as far as possible, how those expenses were

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incurred. Certainly by far the very largest proportion arose from the armies in France and Spain; and till the opening of the exchange on those countries, it was impossible to do more than provide for the immediate exigencies.

Mr. Baring reminded the right hon. gentleman, that the House would expect from him a particular account, as to how the military accounts in Spain and Portugal had been audited. Considerable abuses had been stated to exist in the commissariat department; but he was most particularly desirous to know what arrangement had been made with the court of Spain respecting its share of the expenses of the war. It was extraordinary, indeed, to be told, that the payments which had lately been made to that government were nothing but the arrears due to it, and that we should still have a large debt to pay to it. Every considerate person would expect, on the contrary, that we had a large debt to be paid by Spain; and he hoped, that in our paying what were called military arrears, we should not be found cloaking a new subsidy.

The *Chancellor of the Exchequer* expressed his wonder, that if the hon. member had such important information to communicate relative to the management of the commissariat in Spain, he had not addressed it to the proper department. The government was always most anxious to investigate and act upon such intelligence, and he hoped even now he would not fail to bring it forward for official inquiry. Where the hon. gentleman had learnt that we had professed to pay large arrears to Spain, he was at a loss to imagine. Spain certainly owed a large debt to this country; but we were obliged to support the Spanish armies by means of considerable subsidies, and to pay also for their return. The Portuguese army was returned in the same manner; but as to any debt being due to Spain by this country, he was at a loss to understand what the hon. gentleman meant by it.

Mr. Baring contended, that if this were the case, it was the duty of the right hon. gentleman to show why one account should not be set off against the other; why, if Spain owed us money, we should be obliged to find money to pay for the return of her troops. Respecting abuses in the commissariat, he would state an anecdote on the subject. A friend of his had made a communication to the late Mr. Perceval of these abuses; but the subject

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was suffered to remain dormant. When the commissary came home, that was the time to bring them forward; but the gentleman was told, that if he had any particular charge to bring forward against the individual in question, it would be looked into; but having no such charge against that particular person, he declined further interference.

Mr. *Huskisson* said, that being in the Treasury at the time in question, he must have heard of the circumstance, if it had been correctly stated; but he could only say, that it had entirely escaped his recollection. There was no person more ready than Mr. *Perceval* to inquire into and put an end to abuses. Respecting the Spanish troops, they were in British pay, and those arrears were debts partly due to the troops themselves. The fact was, that the Spanish troops had been raised and served under the faith of a subsidy from this country to support them; at the time of the peace arrears were due to them, or rather to the different contractors who had supplied them with necessaries, and it would have been unjust to have called upon the Spanish government, embarrassed as it was at the time, to make good the engagements which had been made with the English government.

Mr. *Whitbread* allowed the force of that observation; but at the same time insisted that it should clearly be explained, whether the sums which had been paid to the Spanish government since the peace, had in fact been applied to those purposes, or had been used for the despotic objects which Ferdinand had pursued towards his subjects. It was not enough to say, that a sum for a particular purpose had been paid to the king of Spain: it should be shown that it had been properly applied. We engaged to pay the soldiers, not the government. The latter was, perhaps, receiving the stipend due to the former, and applying it to far different purposes from those to which it was intended by both nations; therefore, distinct information was peculiarly imperative, to satisfy those who conceived they had reasons for doubting the justice or propriety of our recent proceeding. And here he could not but congratulate ministers on the acquisition they had gained in the hon. gentleman who spoke last, and who had so lately joined them, as he had been for years occupied in pointing out the necessity of a retrenchment in the national expense. He was sure that hon. gen-

tleman would gladly prove his sincerity by probing to the very bottom the nature of these demands, and controlling or annulling such parts of them, as would not stand the test of open inquiry.

The *Chancellor of the Exchequer* stated, that the payments from this country had been made not directly to the paymasters of the Spanish forces, but through the medium of the Spanish government. Nevertheless they were so much under the control of the duke of Wellington, that there could be no doubt of their having been applied to the purposes for which they were intended. Since the peace, sir Henry Wellington had been the organ of those payments. With respect to his hon. friend near him, every one who was capable of justly estimating his value, must know how happy he was in having obtained his services.

Mr. *Baring* was desirous to know, whether any sums had been paid since the conclusion of peace? Since the return of Ferdinand to Madrid? If so, why were they not set off against the debt due to us from the Spanish government? Why was it to be supposed that on the conclusion of peace, when all the powers of Europe were anxious to reduce their expenses, Great Britain was rich enough to continue lending her money without any specific object?

The *Chancellor of the Exchequer* replied, that sir Henry Wellesley, since the conclusion of peace, had certainly entered into an agreement with the Spanish government similar to that with the other powers of Europe in the treaty of Chaumont, to provide for the return of their troops to their respective countries.

Mr. *Baring* asked, whether there had not been an actual subsidiary treaty concluded with the Spanish government?

The *Chancellor of the Exchequer* said, that there had never been any positive subsidiary treaty with Spain; although, as the House well knew, two millions per annum had been advanced to that country for some years past, in order to assist her in the contest in which she was engaged.

Mr. *Whitbread* inquired if the agreement on the part of Sir Henry Wellesley, to which the right hon. gentleman had alluded, was of a loose verbal description, or whether it had been committed to writing?

The *Chancellor of the Exchequer* repeated, that it was similar to that entered into at the treaty of Chaumont with the other

powers of Europe, and that the sum to be paid had in contemplation the shortest period, with one exception, of all those allowed for the return of the troops of the respective nations.

Mr. *Whitbread* observed, that the right hon. gentleman had stated that sir Henry Wellesley had entered into an agreement with 'the Spanish government.' He wished to know with what government? It would probably turn out that the money was paid to the king, and employed in the persecution of the members of the government with which the agreement was concluded. The right hon. gentleman had by no means answered the questions which had been put to him. Had instructions been given to sir Henry Wellesley to conclude the agreement; or had sir Henry Wellesley required any instructions for the purpose of enabling him to enter into the engagement?

The *Chancellor of the Exchequer* said, that the engagement for paying the stipulated sum of two millions annually had been repeatedly before the House.

Mr. *Whitbread* allowed that it had; but here was a separate engagement. The government of Spain having brought the war in which they had been engaged to a successful termination, and peace having been concluded, we engaged to pay a sum to that government for the purpose of enabling the troops to return to their respective homes. That government was, however, overturned by the king, and it appeared probable that the money was paid into the hands of the king; and that he was thus assisted in the destruction of the very body with which our engagement had been made.

Mr. *Wellesley Pole* said, that the hon. gentleman perfectly misunderstood the subject—[Hear, hear! from Mr. *Whitbread*]. He hoped that he might be heard once for the hon. gentleman's twenty times. The hon. gentleman would not expect that the House would be disposed always to hear him and no one else. The fact was simply this—that at the conclusion of the war, we had bound ourselves to pay to Spain a sum sufficient to enable the Spanish troops to return to their homes. This agreement was exactly on the principle of that entered into by the treaty of Paris with the powers whom we subsidized. It was the same, whether it was made with the cortes, or with the king. In truth, he believed the king of Spain had returned before the conclusion

of the treaty of peace. Be that as it might, sir Henry Wellesley did, with the existing government of Spain, whether king or cortes, make an arrangement for the return of the Spanish troops. It was his duty to do so; and the engagement which he had made was confirmed by the British government, although no formal treaty was entered into. Now, how this could be converted into the payment of a sum to the king of Spain to subjugate the members of the preceding government, he knew not.

Mr. *Whitbread* was happy that the House should be relieved from the monotony of his voice by the beautiful modulations of that of the right hon. gentleman. It was not surprising that the right hon. gentleman should be impatient to make up for his loss of time; and, indeed, he seemed disposed to say as much in his own person this session, as his two halves had done together during the last: a very few days would clear all his arrears in talking. Reverting to the subject in question, it was quite clear that some written document existed, and he was determined, if possible, to have it.

Mr. *Wellesley Pole* said, that certainly there was a written document, but whether it could be produced was another thing. He had no objection to the hon. gentleman's determination. It had, for twenty years, been the hon. gentleman's vocation to *badger* the Treasury-bench, by persevering in the practice of cross-questions. Now, for his own part—and he would recommend the same plan to his colleagues—he was prepared to take time to consider the propriety of acceding to demands for papers made by that hon. gentleman, and whenever the hon. gentleman pressed an immediate answer, to say—'We'll tell you to-morrow whether you shall have them or not.'

Mr. *Whitbread* assured the right hon. gentleman, without considering which of them was the *badger* or which the *terrier* of the Treasury-bench, that he should continue the practice which he had pursued for twenty years, of asking questions on matters of public interest, whenever they might appear to him to be necessary, notwithstanding the remarks of the right hon. gentleman. If any of those questions should be addressed to the right hon. gentleman who had just exhibited so much coolness, and the right hon. gentleman should take until the morrow to consider of the reply, all that he would do would

be to put the question again on the morrow; and this practice he would persevere in with as much determination as it was his intention to persevere in the practice of speaking as often as he should think fit on any question when the House was in a committee. He hoped the right hon. the Chancellor of the Exchequer would not be induced by the evil example of his right hon. neighbour, to withhold information which it was consistent with his sense of public duty to communicate, although it might be asked by one not much in the habit of supporting administration.

Mr. Ponsonby trusted that the right hon. gentleman's advice to his right hon. friend would not answer its purpose. It was now evident, that there were more agreements than one, and he hoped the right hon. the Chancellor of the Exchequer would see that their production was essential. The right hon. gentleman asked for a large sum, partly made up of the money granted to the Spanish government, when the war was at an end, and when Spain owed us an immense sum. This appeared to him to be a very grave and fit subject for inquiry.

The *Chancellor of the Exchequer* declared, that he had never denied the existence of a correspondence involving the agreement alluded to; he had only denied that there had been any distinct subsidiary treaty. He was persuaded, that the House and the country would never have thought it right that any of our allies who had been fighting under our banners, should be dismissed without the means of repairing to their respective homes.

Mr. Baring acknowledged, that the more he heard of this business, the more suspicious it became. He repeated his right hon. friend's hope, that the right hon. gentleman opposite would not persuade his colleagues to abstain from answering any fit questions that might be put to them.

Mr. Wellesley Pole complained of misrepresentation. He never intended to be so presumptuous as to say that he would recommend any information to be refused, because it was asked by the hon. gentleman. All he meant to say was, that if a paper was asked for, the propriety of the production of which he doubted, he would always recommend that the subject should be considered before a hasty compliance was given. In other respects, so far was he from wishing to withhold in-

formation from the hon. gentleman, that, if it could be given with propriety, he would be most happy and most anxious to meet his wishes.

The Resolution, That a supply be granted to his Majesty, was then agreed to.

Mr. Baring gave notice, that on Tuesday he would move for the production of the agreement which had just been the subject of conversation.

The *Chancellor of the Exchequer* expressed his readiness to produce the substance of that agreement, although it would be impossible to produce the agreement itself.

Lord Palmerston presented certain army estimates, by order of the House.

General Gascoyne, adverting to the increase which had been made in the pensions of the widows of officers of the navy and marines, wished to know whether the noble lord intended to propose any augmentation of the pensions of the widows of officers of the army?

Lord Palmerston replied, that the subject was under consideration; but that no specific proposition could be made with respect to it, until the Army Extraordinaries should be brought forward.

## HOUSE OF LORDS.

Monday, November 14.

COURT MARTIAL ON CAPTAIN BARCLAY—LOSS OF THE FLOTILLA ON LAKE ERIE.] The Marquis of Buckingham rose, in pursuance of a notice which he had given on a preceding evening, to move for the proceedings of a court martial held upon Captain Barclay and the surviving officers, for the loss of the flotilla upon Lake Erie. When he gave that notice, he flattered himself that he should be able to submit sufficient parliamentary grounds for the production of the papers in question; and if he succeeded in so doing, he imagined no opposition would be made to his motion. They had, indeed, been published, in every newspaper and magazine, and his only object in now moving for them was to make them public official documents on their lordships' table, that they might establish the fact, as far as they went, of either the good or bad conduct of his Majesty's ministers. He had, however, by that sort of private communication which the courtesy of the House allowed, been informed, that it was the intention of ministers to object to the production of the papers, though upon



what grounds he was utterly at a loss to conceive. He would briefly communicate to their lordships a statement of what would be produced in those papers if they were laid before them; and it would then be for them to determine whether they should become official documents, or whether what had been published to all the world should be unknown (he meant officially) only to their lordships. The circumstances of the case were the following:—Captain Barclay commanded the flotilla on Lake Erie, and it would appear, if the evidence was produced, that the command of that flotilla had been refused by captain Mulcaster, on account of its total inadequacy for accomplishing its intended object. It could not be supposed, that, in stating that fact, he felt the slightest wish to throw any imputation upon the courage or zeal of captain Mulcaster. It must be perfectly evident that two persons equally anxious to promote the public good, and equally willing to act on any given service, might entertain a different feeling with respect to its practicability, according to the means and resources that presented themselves. If, indeed, he were disposed to criticise the conduct of captain Barclay, he might, perhaps, say that there was a little rashness in it, when he ventured upon the expedition with such a knowledge as he possessed of the means that were within his reach. But, without going into that question, he would merely state, that captain Barclay did accept the command, and proceeded immediately to join the fleet. But, in what state? It appeared from the evidence adduced on the court martial, that for the purpose of strengthening this flotilla, and giving to it a more decided efficiency than it before possessed, he took with him one lieutenant, one surgeon, and nineteen rejected seamen from the flotilla on Lake Ontario. Their lordships could not fail to recollect the statement which had been made on the first day of the session by the noble viscount at the head of the naval department, who boasted that every necessary supply had been amply furnished to our ships on that station; and this powerful reinforcement sent by captain Barclay was, he thought, a pretty strong proof of the manner in which reinforcements were provided by the government at home, or called for by the governor-general of Canada. When captain Barclay arrived, he found the flotilla in the most wretched state, deficient in equipments, deficient in

provisions, and deficient in men to man it. He applied to sir James Yeo for a supply of men, but none were sent; why they were not, let the noble lord explain. He was sure they did not mean to blame sir James Yeo; they did not mean to try him; they would not dare to do so; for if they did, it would appear that he had no men to give. One hundred and fifty men, however, were supplied from the Dover, and with that force captain Barclay began the campaign. The flotilla was blockaded in Amherstburg by an American flotilla, double in numbers and doubly supplied with equipments of all sorts. Winter was coming on; provisions were scarce; so scarce, indeed, that a large portion of the inhabitants of the country had been living on rations issued from the king's stores. Captain Barclay, thus situated, had no means of affording any assistance to general Proctor's army but by attempting to force the blockade. With the spirit and intrepidity of a British officer he began the operation. In his first advance he got to windward of the enemy, and so far had the advantage of him; but the wind changing, he was driven off to leeward, and the consequence was precisely what might have been expected—the whole flotilla was compelled to surrender to the enemy. Such was the substance of the evidence that would appear in those proceedings, if they should be produced. He also meant to move for the sentence of that court-martial, which stated, "That the capture of his Majesty's late squadron was caused by the very defective means captain Barclay possessed to equip them on Lake Erie; the want of a sufficient number of able seamen, whom he had repeatedly and earnestly requested of sir James Yeo to be sent to him; the very great superiority of the force of the enemy to the British squadron; and the unfortunate early fall of the superior officers in the action: that it appeared that the greatest exertions had been made by captain Barclay in equipping and getting into order the vessels under his command; that he was fully justified, under the existing circumstances, in bringing the enemy to action; that the judgment and gallantry of captain Barclay, in taking his squadron into action, and during that contest, were highly conspicuous, and entitled him to the highest praise; and that the whole of the other officers and men of his Majesty's late squadron conducted themselves in the most



gallant manner; and did adjudge the said captain Robert Heriot Barclay, his surviving officers and men, to be most fully and honourably acquitted."

Such was the sentence; and one that went more directly to criminate ministers for the manner in which they attempted to secure our Canadian frontier, so endangered and so attacked, he could not possibly conceive. What, then, was the object of his motion? It would give the noble viscount at the head of the Admiralty an opportunity of vindicating himself on a point where he certainly seemed to be culpable; for, whether justly or unjustly, there certainly did prevail a very general opinion throughout the country, that a great inadequacy of means in our naval preparations had been suffered to exist. On the first day of the present session, the noble viscount produced a statement from his pocket, by which he professed his willingness that his conduct should be tried; and the only way of illustrating that statement was by facts. This, then, was one of those facts that might serve as an illustration. Where did it appear, except from the document in the noble viscount's pocket, that any vigour or efficiency had been manifested in the naval department? And was it possible for him to call for evidence upon that subject, more dispassionate, or better calculated to enable their lordships to come to a conclusive opinion? It was the evidence, not of a party, but of honourable men, who were assembled to decide upon the conduct and character of a brother officer. Upon what grounds the production of those papers could be resisted, he knew not: it prejudged no question; it would only prove or disprove, as far as it went, that the flotilla was or was not adequately provided with necessary equipments. If it were refused, what conclusion would the public draw? That the case of the noble viscount was one that would not bear the light—one that he was afraid to submit to the inspection of parliament. He should wait with considerable anxiety to hear upon what principle the motion would be opposed, and should conclude with moving, "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be pleased to order, that there be laid before that House the proceedings of a court-martial held on captain Barclay, and the other surviving officers of his Majesty's flotilla on Lake Erie."

Earl Bathurst observed, that the noble marquis was mistaken in the fact as to the publication of the minutes of the court-martial. The parole evidence might, perhaps, have been made public; but there was written evidence adduced in the course of the proceedings, which certainly had not been published. If, indeed, it even had been printed, his objection to laying it on the table would be equally strong; not because it would implicate his Majesty's government, but because it would leave on record facts and statements highly prejudicial to the military and naval service of the country. If it was published in the papers and magazines of the day, as stated by the noble marquis, it would perish with the day; but if recorded upon the Journals of that House, it would become a lasting memorial. Now, what was the state of the case? Not simply as it had been detailed by the noble marquis, that captain Barclay went out, that he took the command of the flotilla, that he engaged with the enemy, and that, from inferiority of force, he was compelled to surrender. The charges against him were, that he sought the contest, and that, considering the inadequate manner in which the flotilla was manned, he was therefore blameable. He had also to answer two letters from sir James Yeo to sir John Borlase Warren, by which it appeared that he did not apply in sufficient time for reinforcements, and that reinforcements were on their march to assist him. Among other papers which were submitted to the court, there was likewise an extract of a letter to sir George Prevost before the action, and another from sir George about a month after the action. Whoever inspected those last documents would find a great difference between them, for the first letter encouraged the idea of an attack. There was also another paper containing the general orders issued by sir George Prevost, in consequence of major-general Proctor's retreat, which severely reprobated his conduct. Indeed, there were hardly any words so strong which were not used against that general and another officer, in those orders, which animadverted likewise upon the conduct of the whole army as highly disgraceful. Was it, then, desirable that a record of that kind, so discreditable to that army, should be solemnly entered on their Journals, while it was possible that any explanations or statements might do away part of the imputations cast upon

it? That general order was written under the sharp sense of disappointment, and was probably expressed in much stronger language than subsequent investigation might justify, which was a much stronger reason why it should not become an official document in that House. One of the statements made during the inquiry of the court-martial, was, that captain Barclay had not applied time enough for reinforcements; and captain Barclay's defence consisted of a strong recrimination, in which he maintained that his application was made in sufficient time. Sir James Yeo's explanation upon this point, which had not yet been received, was highly important, and on that account also he should consider the production of the document as highly objectionable. The sentence of the court-martial was considered by the noble marquis as constituting a strong charge against government; but in point of fact, it was a strong charge against sir James Yeo, and not against government. So far as government was implicated, he could state that naval equipments for the flotilla on Lake Erie had been deposited at York before the commencement of the winter; but early in the ensuing spring that place was captured, and those stores fell into the hands of the enemy. Under all these circumstances, he did not think that any real advantages that could result from producing the papers, would compensate for the inconvenience to the public service, which laying them before the House would be likely to create.

Lord Grenville confessed, that he thought the first person who would rise to answer his noble friend would have been the noble viscount at the head of the Admiralty, who, he should have conjectured, could not possibly acquiesce in any opposition to the production of the papers. He begged the noble viscount to consider in what situation he stood. He could not be ignorant, that there did exist a strong impression throughout the country, that there had been great misconduct manifested in the mode of carrying on the naval war with America. When that was stated on the first day of the present session, the noble viscount met it, not by a general declaration that all had been done which could be done, but by a statement of distinct facts, which he pledged himself to prove to that House. He could not suppose that any noble lord who sat there would be contented with the mere

pocket testimony of the noble viscount; and it became him, therefore, to state those facts which he was prepared to establish, to their satisfaction. Consequently, his noble relative had brought forward a motion, not involving mere general reasonings, not founded upon unsupported public rumour, but resting on the solemn verdict of a court-martial, sworn to speak the truth, and only the truth. That verdict, in contradiction to what the noble viscount had stated, that ample supplies had been sent out, and even anticipated by the activity of government, expressly declared, that the wretched flotilla on Lake Erie was inadequately equipped and manned. Such was their defence of the case; but it remained to be proved by evidence. The noble earl said, that he had no objection to the production of the papers, on account of any disclosure which they might make, affecting the exertions and promptitude of his Majesty's government. It remained, however, to be seen, whether all our disasters, year after year, in that quarter, had not arisen from the defective equipments of our naval force. Government ought never to have suffered the enemy to grow up into any strength there; but, on the contrary, when the long expected war with America broke out, they should have been prepared with means to secure our complete ascendancy on those waters. The noble earl, however, said, that his only objection to producing the papers was, because of the inconvenience or injury which the public service might sustain. In the first place, he should recollect, that, even if those proceedings were not published in the public papers—as for himself, he did not know whether they were or not—yet, all courts of law and justice in this country, and especially all criminal courts, which were sitting on the life and honour of British subjects, sat, not with closed doors; and therefore, whether published or otherwise, there could not, thank God, be one jot of evidence offered, but what was offered in the face of the country, and in the hearing of all men. That objection, therefore, of the noble earl, amounted to nothing; and God forbid he should ever live to see the day when the evidence which might be delivered in a court-martial, or any other court, should be considered by government as secret evidence! There was nothing which could be laid upon the table in those papers that had not been already discussed in a

court of justice. If the letter of general Prevost had been a secret dispatch, or a confidential communication, then there might be some reason for withholding it under particular circumstances; but, was it not something like an insult to parliament, to tell them, that the general orders of that officer, which were published to the whole army and navy, and had become matter of public notoriety, was not a document which could be communicated to them? Were they to be thus told, in the very first step of the inquiry that had been challenged by the noble viscount, that investigation would be dangerous to the service, and that it would be grievous to officers to have a secret communicated to parliament which had been already disclosed in the proceedings of a court-martial? With regard to the defective equipment, he wished to have it remembered, that the sentence of the court-martial, in its outward appearance, in no manner considered sir James Yeo, but spoke generally of the defective state of the equipment. It was for parliament, therefore, to inquire whether that defective equipment arose from the negligence of the government at home, or from the inefficient exertions of a superior officer abroad. Were they to be told that the papers in question ought not to be put upon the table, because it might be possible to shew that the blame rested somewhere else? If that doctrine were admitted, what paper could be called for, which, under such a possibility, might not be refused? Every just man must certainly be anxious not to pre-judge any question; but, were mere possibilities to be urged, when nothing less than the loss of a British fleet was under consideration? He could not tell what might be the feelings of the noble viscount, under such a defence as had been attempted; but he knew what his own would be, were he so circumstanced. The noble viscount, three days ago, stated certain facts, upon which he professed his willingness to rest his defence; and three days after, a friend of his rose to say, that none of those facts should be brought to an issue, because it was possible that the blame might be shifted to the shoulders of another.

Viscount *Melville* said, he was glad he had abstained from rising till the noble baron had spoken. He really believed, with all deference to the noble baron, that he must have misunderstood every word that had fallen from his noble friend. He

did not state, that the proceedings of the court-martial should be kept secret in all future time to come, to screen this or that individual; all that he required was, that as they inculpated two officers of high rank, they should not be produced alone till the answer of those officers was received by government: when that answer or statement should arrive, if the noble marquis then chose to move for the proceedings, not only no objection would be made to producing them, but there would exist reasons why they should be produced. The only question, indeed, was, as to the time when they ought to be brought forward: and his Majesty's government was of opinion, for the obvious reasons that had been stated, that the present was not the fit time. A court-martial had been appointed to try general Proctor, and the result of it was daily expected; as soon as it arrived, the whole of the papers might then be laid upon the table. With respect to what the noble baron had urged, as personal to himself, he could only say, that he took no documents from his pocket, nor referred to any there; he would repeat, however, distinctly, that supplies had been furnished to the utmost extent demanded; and that if any noble lord should think proper to bring forward specific charges upon that point, he would meet them by those facts to which he had alluded on a former day: whether successfully or not, it would be for their lordships then to determine.

Lord *Grenville*, in explanation, observed, that no sufficient argument had been urged by the noble viscount to prove that the document moved for by his noble relation ought not now to be produced to the House. The noble viscount had, however, expressed his readiness to consent to the production of these proceedings, when the proceedings of the court-martial on major general Proctor reached this country. To shew, therefore, his determination to act with perfect impartiality, and to avoid the slightest suspicion of wishing for partial information, he, (although by no means convinced by the arguments adduced by the noble viscount) was ready to consent to the withdrawing of this motion; and perhaps his noble relation would agree to withdraw it, relying upon the liberality of ministers to give information of the arrival of the proceedings of the court-martial on major general Proctor.

The Marquis of *Buckingham*, upon the

understanding that ministers would be ready to communicate these proceedings when the court-martial on major general Proctor arrived, and trusting that they would give information when that arrival took place, agreed to withdraw his motion.

NAVAL ADMINISTRATION.] The Earl of *Darnley*, adverting to what had passed on the first day of the session, and to the statements then made by the noble viscount at the head of the Admiralty, observed, that he had determined to seize the earliest opportunity of bringing forward the discussion on the very important subject of the conduct of the war with America, and particularly so far as regarded the naval administration; and with this view he had framed motions, involving all the details offered by the noble viscount on Tuesday, respecting naval affairs. These motions he had, according to the usual courtesy, communicated to the noble viscount; but they had not met with the reception that might have been expected, after the readiness apparently manifested by the noble viscount to meet inquiry, and there was reason to suppose that they would meet with opposition. In order, therefore, that the least possible delay might take place, he now gave notice of his intention to bring forward those motions to-morrow, and with that view moved that their lordships be summoned. Ordered.

BRITISH TROOPS ON THE CONTINENT.] The Marquis of *Lansdowne*, in rising to move "an humble Address to his royal highness the Prince Regent, praying he would be pleased to order to be laid before the House copies of any treaty or engagements with foreign powers, for the employment by this country of British or foreign troops on the continent," felt it his duty to state to their lordships the reasons which induced him to press for copies of these engagements in preference to the substance of them, which ministers professed themselves willing to communicate. He was the more desirous to do this, that it might not be supposed that any undue pertinacity on his part induced him to persist in calling for authentic copies of these engagements, in which the country was so deeply interested. When they knew that this country was now acting upon these engagements, that we had actually embarked to a great

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extent in the performance of these engagements, and that a considerable army was now on the continent at our expence, in compliance with the terms of these engagements—when they knew also, that an enormous expence had thus been incurred, it appearing by official documents, and by what had been stated elsewhere, that the excess of expenditure beyond the ordinary establishments of the army and navy amounted to 30 millions, it was surely not too much to ask that authentic copies of these engagements, under which the country was so pledged, and under which such an enormous expenditure had been incurred, should be laid before the House. It had been said, that the reason for not laying a copy of this treaty before the House, was, that it was not ratified. This objection, however, he conceived was of no avail; and he trusted he should be able to shew, that neither in form or substance was there any valid objection to the production of this treaty. In point of form, there were precedents for the production of treaties which had not been ratified; and it must be in the recollection of their lordships, that not more than five or six years ago the treaty entered into by two noble friends of his with the American government was laid before parliament, not only although not ratified, but although it had been actually rejected by the president. In point of substance, if there was ground to suppose that a treaty would not be ratified, and that therefore by its production considerable interests would be committed, that would be undoubtedly a good reason for not producing such treaty to parliament. But what was the fact with regard to the treaty for a copy of which he now asked? It was not a treaty entered into between ministers, but between the principals themselves: it was a treaty made by those principals with one common interest in view, and which all had equally bound themselves to carry into execution. Still more, it was a treaty now acting upon, in compliance with the terms of which, British troops, and foreign troops in British pay, were now upon the continent; and under the operation of which this country was incurring an enormous expenditure, and this, too, long after the termination of the war, and long after the annihilation of that great power erected in France by Buonaparté, and at a period when the agricultural and commercial interests of the country required that the burthens

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upon them should be lightened in every possible way, in order that they might be enabled to enter into a competition with foreign countries. Were not these sufficient reasons for the production of a treaty, the execution of which drew with it such important consequences? Were not these sufficient reasons to shew that the terms of this treaty, of these engagements, should be authentically certified to the House in the only shape in which they could be so authentically certified, namely, by laying copies of them on their lordships' table? Were they, when parliament were called together to vote supplies to the government, to rest satisfied with the little or with the no information afforded them as to that state of the continent, or that situation of public affairs, which could render such an enormous expenditure necessary at the present period? It certainly was not to be expected that any information would be given as to the state of the negotiations depending on the continent, or at the Congress; but it might have been expected that the Speech from the throne would have laid down some great principles as those by which the government would be actuated in the important discussions, involving so many great and momentous interests, so many high considerations which were now depending. He could not, however, shut his ears to the rumours that were afloat respecting intended arrangements in Europe—rumours which he was willing to hope were unfounded, but which came in a shape that gave too much reason to fear they were true. He spoke not of the Italian republics, such as Genoa, Lucca, and Venice; but he alluded more particularly to reported spoliations in Germany, which he trusted might yet be prevented. It was well known to every one how much, in the late war, was effected against the power of Buonaparté, by that feeling in Germany which arose out of local affections, and which engendered a spirit that rendered every German gentleman an officer, every German peasant a soldier. To guarantee and secure these local affections, instead of tearing and separating them, ought to be the object of the great powers of Europe; for upon the power thence derived, depended the stability of the whole system. This principle had been expressly recognized by the great powers of Europe not nine months since, in their declaration at Chatillon, in which they expressly stated their desire to keep up and main-

tain those social relations upon which the security of states depended, and their abhorrence of the principle of incorporating states with others, on the grounds of convenience or expediency. Were these declared sentiments, was this pledge, thus solemnly given to Europe, so soon forgotten? They all knew the melancholy consequences that had resulted from the unprincipled partition of Poland. From that partition was to be dated that overthrow of states, that scene of horror and desolation, which had been for a series of years experienced in Europe. The inhabitants of Poland, thus torn from their accustomed relations, became the ready instruments of an adventurer, as Buonaparté proved himself to be, though possessed of great military talents, and a daring ambition: even up to nearly the latest period of the war, 80 or 100,000 of them were at his disposal; and it was only to be attributed to fortunate circumstances, that such a force was not rendered available by Buonaparté, again to renew his projects in Europe. Was this unjust principle of partition again to shed its baleful influence, and again to endanger the whole system of power established in Europe, which it was evident from past experience could only be truly founded in the local affections and social relations of states? He alluded more particularly to Saxony, which it was positively asserted was to be dismembered, and to lose its national existence. Their lordships all knew how many important considerations had been connected with the existence of Saxony as a power, the services that it had rendered, the happiness and comfort enjoyed by the people; yet it was said this nation was to be torn from its social relations, and made a dependency to another power; whilst Lusatia, which was called a modern acquisition (only three hundred years), was to be given to Austria, by whom it had been originally given to Saxony, for services rendered in the 30 years war. Had the powers of Europe derived no wisdom from the experience of the melancholy consequences that resulted from the unprincipled partition of Poland? Were they now to plunge into the same abyss of injustice, and, setting at defiance every principle of right, again destroy the social relation of nations, and tear up their local affections? Would not this be paving the way for the very counterpart of what had so recently occurred to Europe? Might it not induce some power to set up upon those very



principles of injustice, and to establish that formidable sway which Buonaparté so long held over Europe? Were they sure even that that extraordinary individual, although now circumscribed within the narrow limits of the island of Elba, would not re-appear in some quarter of Europe, to disturb its tranquillity? That he would not take another eagle flight, and again display 'the terrors of his beak, the lightnings of his eye.' And what better hold could he then have than those principles of injustice, by which alone schemes of partition were upheld? Was it to be alleged, that Saxony was to be dismembered, because she aided Buonaparté? Could such a monstrous principle be for a moment maintained, without at least its equally applying to Austria herself? But how stood the fact? Austria, in a secret treaty with Saxony, guaranteed to that power its Saxon territories, and also the duchy of Warsaw. Buonaparté, in his progress towards Russia, before Austria was at war with him, overran the Saxon territories, and obtained possession of Dresden. It was then that the king of Saxony, seeing his territories over-run by the French troops, and his capital in their possession, had no other means of saving his people from military execution than by submitting to the conqueror. But after this the Saxon troops, in the glorious day of Leipsic, mainly assisted the cause of Europe, which, on that day, fortunately triumphed; and yet, as a reward for their services, the social relations of their country were to be torn from them, and their independence destroyed! He trusted, however, that this would not be suffered: he trusted that the minister representing this country, the power and influence of which in Europe were now much greater than at the period of the partition of Poland, would strongly and with a determined spirit oppose so unjust and so unprincipled an attempt. He had thought it his duty to make these observations upon the circumstances which had occurred, or which appeared to arise out of the state of Europe; and he should now conclude by moving "an Address to his royal highness the Prince Regent, praying for copies of the engagements entered into with foreign powers, under which British troops, or foreign troops in British pay, were now employed on the continent."

The Earl of *Liverpool* declined entering into all the various statements of the noble

marquis; not, he assured him, because he undervalued any one of the topics embraced by his speech, but because he did not feel that he should discharge his duty, should he enter into disquisitions on subjects which were not intended for discussion that day. A day of explanation must come, and when it arrived, it would be the duty of his Majesty's servants to shew, not only that they had acted properly, according to the conception they had formed of their duty, but also to explain the principle on which they had acted. That day, however, was not arrived, nor could it be expected, till the field in which the whole continent had been acting was cleared, and left equally open to all. All the objects of the noble marquis's motion might be gained in another way: but before that could be accomplished, it might be proper in him to state to their lordships what were the objects of keeping a large British force on the continent at the present moment. Perhaps on this subject it might be said, why were not the first terms come to with France to this effect, that the armies on all sides should be disbanded, without a definitive treaty being come to, leaving to the Congress of Vienna to settle these terms? Now, according to his conception of the matter, there was not one single step of the treaty of Paris marked with more peculiar wisdom than another than this, that France was speedily dismissed out of the deliberation. She was the actual head and soul of the contest; therefore it became necessary that as little time as possible should be spent in debating preliminary considerations as to her; and, whatever might be afterwards resolved upon as to the affairs of France, that her immediate state, in relation to the other powers of Europe, should not be left for after-consideration, but should be settled at once. The policy of the treaty had been—and he conceived it to have been a wise one—to settle the fate of France in the first instance, and to leave the interests of the other contending powers to be adjusted afterwards. If the contracting parties had acted otherwise, the whole powers on the continent must have kept their full armies in pay, even after the terms of peace had been agreed on; and thus must this country have continued to maintain an army, not to the extent now complained of, but to the full extent of the force originally, and to the moment of the peace, employed by

her in the contest. Till the Congress was finally adjusted, it was obvious that the only safety for the parties interested was in their keeping up armies, not indeed to their original standard, but such, at least, as should place them in a respectable position, in reference to their situation in regard to the affairs of Europe. It grew out of the nature of the circumstances of the case, that all the parties should keep up something like an army till every thing was adjusted. Was there any body, he asked, who would have recommended it to England to withdraw from this wise line of policy? Would the noble marquis himself have recommended such a line of conduct to Great Britain? Would he have told her, that while other nations were providing for their immediate and prospective safety, by maintaining a respectable position till the final adjustment of differences, she ought to look only to the husbanding of her resources; and, on that principle, should withdraw her army, previously to a final convention? He was satisfied, that not the noble marquis merely, but that no other person would recommend to any government such a mode of proceeding. The mode of conduct, however, to be observed by the government of this country, in the present instance, rested not on the same principles as those which ought to govern, or might be supposed to govern, the conduct of other states. There were interests, in the importance of which all parties were agreed. There had been, and always would be, shades of difference as to the degrees of interest which this country had, and ought to feel, in the concerns of the continent. There probably, however, never was a great statesman who disputed that it was wise policy in this country to support Holland. He remembered that the late Mr. Fox had declared it to be his opinion, not only that great sacrifices should be made by this country for the accommodation of Holland, but even that a war should be persevered in on her account. He had never, indeed, heard any statesman dispute, that this would be a reason for carrying on a war once commenced. Whether there was or was not a treaty, was, he contended, in such circumstances, of little consequence; and therefore, whether there was or was not a treaty, so ought we to have acted. The question with him was not, whether this was a line of conduct on the part of this government growing out of a treaty, but

whether it was not one growing out of the peculiar circumstances of the case? It was, he submitted, a wise course to adopt on its own merits, without reference to any treaty or agreement; but, in addition to this, it was founded on a treaty signed at a period when the principal powers of Europe had agreed, for a stated period, and for their joint and common security, to keep up a stated force; and, if ever there was a time in which every thing was open, fair, and explicit on the continent, this was the time. Not only were the circumstances of this treaty known in this country, but most important proceedings followed in consequence in this country, particularly on the consideration of his Majesty's Message, on the 20th of June. Not only were the circumstances of the transaction then alluded to, but they were even stated with great particularity. Though the continuance of the American war would then have justified some vote of credit, yet it would not have warranted a vote to the extent demanded and granted; the vote being not on account of the continuance of the war with America, but for the support of the British troops on the continent, till the state of Europe should be adjusted and tranquillized. That vote did not pass without observation from the noble baron opposite; but still it was adopted, and passed *acm. dis.* He agreed that, as to the sums, and the manner in which they were expended, the most ample information should be laid before parliament; at present, in his opinion, the matter was not regularly brought before parliament. There would be a time for discussing the business, and when that time arrived, he trusted he should not be wanting.

Lord Grenville said: I confess, my lords, I am by no means satisfied with the concluding observations of the noble earl as to the form in which he proposes that the treaty shall be laid before the House. In fact, he has made no objection that I heard to the motion requiring that we should be put in possession of copies of all engagements with foreign powers, by virtue of which a large body of British troops have been retained upon the continent. Parliament has never received any notification from the crown of this intention; and if to the Address the Prince Regent shall reply, that the treaty has not yet been ratified, and that the substance only can be given, then it will be early enough so to frame the motion. I doubt

whether the mere production of the substance would answer the purpose in view; it may be laid upon the table, not as a treaty regularly entered into, but as an engagement signed and acted upon in contemplation of being ratified: it seems to me a little out of the usual practice for the House to move for the substance. I am not aware, under these circumstances, if it be a regular mode of proceeding, and my noble friend is satisfied with such an amendment, that there is any thing left to be debated; but I trust that I shall be allowed the liberty of saying a few words on some important points connected with this subject, upon which the noble earl has just touched. With regard to the constitutional part of the question, I must be permitted to say, that whatever respect and deference I may privately feel for the explanations given by any noble lord in his place, it appears to me that the constitution of the country requires that in no case of a measure of such momentous importance, of such a stupendous deviation from the ordinary practice in military affairs, where a body of 40,000 men (I believe I much under-rate the number) is maintained in a foreign land during peace, shall the parliament be kept in ignorance, but that a distinct communication shall be made upon the subject. However exalted may be the character of the noble earl, any verbal communication from him can never have the weight that belongs to a formal measure from the throne, which this House has a right to expect under circumstances of such striking deviation from precedent and principle. On a former occasion, the noble earl stated, that the notoriety of the necessity in this case would remove the danger of its being converted into a precedent; but he must allow me to say, that it is from that very circumstance that I entertain the most apprehension of the consequences: it is the very ground on which all bad precedents are established—they are adopted from necessity, often most notorious necessity, and the pursuance of the system is justified by the previous practice. I beg also to observe, that the noble earl assumes a great deal too much, if he imagines that there is any thing like a general concurrence of opinion in the country as to the propriety of this measure: much more must be known than the noble earl has stated, or perhaps could state, before I can acquiesce in its justice and propriety. The noble earl has, for

the first time, to night stated some of the circumstances that led to this arrangement: on former occasions little has been remarked upon the deviation from the ordinary course by the immediate signature of a definitive treaty with France, while the arrangement of the interests of the rest of Europe was left to discussion at the projected Congress. I, however, did express great doubt as to the wisdom of such a determination, because it necessarily involved that which, in my judgment, was more calculated than any thing else to lessen, if not almost to annihilate, the influence of this country at the Congress. The consequence of a separate definitive treaty with France was to limit completely and finally the claims of that kingdom, while the possessions and demands of all the other sovereigns were left undetermined; and the effect with regard to Great Britain was, that by the cession to France of all that was to be yielded, we lost the only remaining hold we had upon her, namely, the colonies, of which we had during the war deprived her. It might, perhaps, be deemed an expedient of political wisdom that both England and France should be excluded from all share in the future continental arrangements: as to ourselves it might be completely effectual, but France, from her local situation, could not be wholly prevented from retaining an influence. From the position of England, the only mode she had of securing by her influence the success of the plans she had in view, was by retaining the colonies obtained by her maritime superiority, which she might be supposed to have a right to hold until her just claims were allowed, and until France was reduced within those limits that would maintain the security of points where we had the deepest interests staked. To instance the case of the Netherlands; no statesman, or no man who assumed to himself the title of a statesman, could have calculated upon the future situation of the Low Countries: it was a point that deeply concerned Great Britain, and it would of course demand our earliest attention. What have we done? The other powers of Europe, it seems, have, or pretend to have, no interest in the Netherlands. Austria rejects them, Prussia does not require them, and the burthen of retaining them was thrown upon Great Britain; whereas, if we had signed only preliminaries of peace, instead of a definitive treaty, we should have kept them until it was

necessary to exert all the powerful influence we possessed at the moment of the signature of these preliminaries. Above all, we should have been able to prevent that which has worked the deepest injury to this country—the delay that has taken place in the settlement of the affairs of the continent. I cannot admit that the silence of any noble lord is to be construed into an assent; and if no remark was made on this side of the House upon what passed on the 20th of June, it was not to be imagined that concurrence was given in a measure like that which we now see exposed. Let the noble earl, however, remember, that at that time it was stated that the Congress was to be immediately assembled. When two of the sovereigns of Europe were on a visit to this metropolis, it was even said that their stay would necessarily be restricted by the great arrangements immediately to take place, in which they were so deeply involved. Had I even been in my place at that time, and had remained silent upon the subject, had I even given my assent to the speech of the noble earl, I should still be entitled now to say that I dissent, because then I knew that some short period must necessarily elapse before Europe was restored to perfect tranquillity. I should have acquiesced in the vote of credit perhaps, because some of our troops were, I believe, actually then in France, and some short period must be allowed for their return. But, undoubtedly, a different view of the subject presented itself the moment it was known that the arrangements, in which this empire ought to have borne so great a share, and which were expected to be made immediately after the signature of the treaty of Paris, was to be adjourned indefinitely; so that to the moment I am now speaking, we have had no intelligence that the Congress has yet proceeded to a single discussion. During this interval we have been employed in diminishing our influence, in surrendering the power that we naturally possessed, and we are now endeavouring to re-establish it, to regain the ground we have lost by the adoption of the course which the noble earl insists was the wisest plan that could be conceived. In consequence, however, of this wise plan, in my opinion, we are now enduring the burthen of the maintenance of this immense force on the continent. Some persons might have thought that the old modes of concluding peace, established by the

united experience of mankind for ages, would have been preferable to these new-fangled schemes with which the noble earl is so much delighted; by the former we should not now have felt the weight under which the country groans in a time of peace; and the arrangements, in the speedy termination of which we were so much interested, would long ago have been concluded. Into the precise nature of these engagements, when they come before us, there may or may not be occasion to enter more at large; but at present it appears that the reciprocity of the contract is somewhat extraordinary; it compels this government, at an immense expense, to maintain an army upon the continent. It is true, that the other powers are to do the same; but Austria, without any such treaty, would, as a matter of course, maintain a force in her territories. Prussia would likewise have an army, especially if Saxony were placed in her hands. Upon this country only is there a disproportionate pressure, since we should have no interest to retain any part of our forces on the continent. We have had the wisdom, upon this new-fashioned scheme, first to throw out of our hands all the advantages that our influence gave, and then we are to regain them by means of a large force, at an immense charge to the subjects of this country. But some additional inducements are held out to reconcile us to the change of system. We are told that the effect of this large military power will be to settle the minds of the inhabitants of the Netherlands. Whether such will be the consequence, I know not, but I must say, that to me such a settlement of the minds of the people as is produced by the over-awing presence of a strong military force, is not so consoling as to the noble earl. With regard to the effect in other quarters, however grievous may be the expense, however large the force in proportion to our narrow means, and however alarming the precedent, I believe that it will give us no advantage over Austria, Prussia, or France: the quality of the force needs no eulogium, since it forms a part of the British army; but the quantity is most inadequate to accomplish any such purpose as ministers seem to expect.—I have said thus much at present; a question of such magnitude is by no means exhausted; but it will remain to be considered more fully when we have had the experience of the result of these happy and wise measures in supporting



the influence of Great Britain in the final settlement of continental Europe: the effects, up to the present time, have been only the annihilation of our influence, and the addition of an enormous burthen to the heavy weight which the nation has already to sustain. I wish it to be understood, that I do not state that there was no necessity for these measures; but I maintain, that as yet no such necessity has been proved, since a distinct, precise, and formal explanation can alone be satisfactory to parliament. With regard to the operation of such plans upon the general pacification of Europe, I can only say, that it will be a dreadful moment when it does arrive—when a treaty is laid upon the table, in which the name of any British negociator shall be found sanctioning in any way that system of aggrandizement, extension, and partition, which is to be the basis of a final establishment, and of which my noble friend truly said, that it had been the origin of all the calamities of Europe. What line of conduct we are pursuing upon that subject I know not: what means remain to us of influencing the final decision of affairs, I venture not to pronounce; few and insignificant I fear they are. Whatever may be the issue, this consolation I sincerely trust we shall possess; that if instead of hailing the re-establishment of legitimate authorities and of national independence (as with grateful hearts we did last year, when a triumph was gained in favour of those rights for which we boasted that we fought and conquered) we are doomed to witness the signature of a treaty, by which it shall be for ever registered in the page of history, and handed down to posterity, that no nation has a right to her independence, that the power of the strong is the only law, that the rapacity of ambition is to be the only rule of justice, that such is the lesson, confirmed and sanctioned by the united voices of assembled sovereigns, and that such is the result of the long, arduous, and eventful contest, in which we have shed our blood and exhausted our revenue,—this consolation, I say, I trust we shall enjoy, that when the noble earl lays such a treaty upon the table, he will accompany it with a sincere lamentation that all our efforts had been unavailing to avert the evil, with a firm protest against it, and with a strenuous declaration, that it is an insult to the common sense, and a violation of the rights of the civilized world, and a

breach of the sacred principle recognised in that solemn instrument quoted by my noble friend. I cannot consent by entering into separate and particular cases, to imply a doubt upon the subject. I cannot allow myself to argue whether it would or would not be an act of injustice to transfer the people of Saxony, hitherto the happiest people of Germany, to whose army you were indebted for the victory of Leipsic, and for many of the consequences of that success, from the authority of their ancient and venerable sovereign, to place them under the dominion of a family, of whom they know nothing, and for whom they can feel no attachment. I cannot persuade myself, notwithstanding what passed last year in this House, to argue the question, whether men are to be treated like herds of cattle, like beasts who are to be sold, and not like men, who have a right to make a choice, and for whom the government is only administered in trust for their benefit. It would, I confess, have been high gratification to me, if the noble lord had told us that in these principles his Majesty's ministers concurred: small as our influence might be, yet in the maintenance of the principle of the independence of nations, that influence would have been well employed, and the fair character of this country would never have been stained with the guilt of being a party to the recognition or confirmation of any establishment, founded on a system so destructive as that for which the government of this nation now is contending.

The Marquis of *Lansdowne* had no objection to the addition of the word "substance," so as to make the request for "the copy or substance" of any arrangement. In alluding to the expenditure incurred by the maintenance of an army abroad, his lordship did not mean to object to it if that army were necessary. As yet, no such necessity had been established, and it would be a question for future discussion.

The motion having been altered accordingly, it was agreed to *nem. con.*

## HOUSE OF COMMONS.

*Monday, November 14.*

ESTIMATE OF THE NAVY DEBT.] Mr. Croker presented to the House, pursuant to their Address to the Prince Regent, the following



ESTIMATE of the DEBT of his Majesty's NAVY, on the 30th of September 1814.

NAVY.	Particulars.			Total.		
	£.	s.	d.			
For Bills payable at Ninety days date, for Naval Stores, Slop Clothing, Bedding, &c. ....	721,213	1	3			
For Stores delivered into His Majesty Yards, for which Bills were not made out on the 30th September, and for Bills of Exchange accepted ...	252,762	3	3			
For Wages to his Majesty's Dock and Rope Yards	220,000	—	—			
For Half-Pay to Sea Officers .....	196,394	8	3			
For Wages unpaid on the Books of Ships paid off	235,657	8	2			
For Wages due to Ships in Sea Pay, on 30th September .....	1,603,410	—	—	£.	s.	d.
				3,229,437	—	11

VICTUALLING,—*As by Account received from the Commissioners of Victualling.*

For Bills payable at Ninety days date, for Provisions, Stores, &c. ....	739,830	6	0			
For Provisions delivered, and Services performed, for which Bills were not made out on the 30th September .....	17,945	16	5			
For Bills of Exchange .....	73,428	1	—			
For Wages to the Officers, Workmen, and Labourers, employed at the Ports.....	12,506	17	9			
For Short Allowance Money to the Companies of his Majesty's Ships in Pay, and those which have been paid off.....	10,265	17	3			
				853,976	18	11

TRANSPORTS,—*As by Account received from the Commissioners of Transports.*

For Bills payable at Ninety days date, for Freight of Transports, Maintenance of Prisoners of War, Medicines, Hospitals, and other Expenses for sick Seamen, and for Miscellaneous Services	1,135,653	18	9			
For Freight of Transports, Prisoners, Medicines, Hospitals, &c. for Sick Seamen, for which Bills were not made out on the 30th September.....	2,957,211	12	11			
				4,092,865	11	8
				8,176,279	11	6

DEDUCT the Balance remaining in the hands of the Treasurer of the Navy on the 30th September .....£.642,699 16 10

And the Sum remaining of the Supplies granted for the year 1814, not issued from the Exchequer on 30th September ..... } 340,582 8 —  
983,202 4 10

Shows the DEBT of the NAVY, on the 30th September 1814, to be £.7,193,077 6 8

(Signed) WM. SHIELD.  
H. LEGGE.  
PERCY FRASER.

SUBSTANCE OF THREE CONVENTIONS, SUPPLEMENTARY TO THE TREATIES OF CHAUMONT AND PARIS.] The Chancellor of the Exchequer, by order of the Prince Regent, presented the following Memorandum :

Substance of three Conventions, Supplementary to the Treaties of Chaumont

and Paris, concluded at London, the 29th of June, 1814, on the part of his Majesty, the Emperors of Austria and Russia, and the King of Prussia.

Foreign Office, Nov. 10, 1814.  
“ Three Conventions, supplementary to the Treaties of Chaumont and Paris, were

agreed to and concluded at London, on the 29th of June, 1814, by the plenipotentiaries of his Majesty the Emperor of Austria, the Emperor of Russia, and the King of Prussia, by which the sovereigns respectively engage to maintain, on a war establishment, 75,000 men, namely, 60,000 foot and 15,000 horse, until the arrangements respecting the future state of the powers of Europe, which, according to the above-mentioned Treaty of Paris, were to be regulated at the Congress of Vienna, should be completed.

“His Majesty reserves thereby to himself the power of furnishing his contingent, conformably to the 9th article of the Treaty of Chaumont.

“The High Contracting Parties engage to employ these armies only by common consent, and in the spirit and for the end of their above-mentioned alliance.

“The acts of ratification of these conventions on the parts of the Emperor of Austria, the Emperor of Russia, and the King of Prussia, have not yet been received in London.”

NAVY ESTIMATES—BILLS OF CREDIT—EXCHEQUER BILLS.] The several accounts of Navy debt, Exchequer bills, and bills of credit, having been referred to the committee of supply, the House, on the motion of the Chancellor of the Exchequer, resolved itself into the said committee.

Sir *George Warrender* observed, that under the existing circumstances of the war with the United States, the committee must be aware of the necessity of our retaining a large naval force. A considerable portion of our present establishment was, in fact, at present employed in operations on the enemy's coast, and in the protection of our own commerce in various parts of the world. It would therefore be unnecessary for him to do more than state the number of seamen which it was proposed to vote; adding this remark, that the following votes would relate not to the extraordinaries of the navy, but merely to the fleet afloat. He then moved, “That, 70,000 men be employed for the sea service, for the year 1815; including 15,000 marines.” This Resolution being agreed to, sir George next moved, “That for the wages of the said 70,000 men, the sum of 1,615,250*l.* be granted to his Majesty; being at the rate of 1*l.* 15*s.* 6*d.* per man per month, for thirteen months.”

Mr. *Ponsonby* said, he could not allow these votes to pass without a few observa-

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tions. It was now but a few days more than three months since the separation of parliament, at which period no person could imagine they would be called together again so soon. What the causes were of their re-assembling, he confessed himself unable to explain. The Speech delivered from the throne had not assigned a single reason for this unexpected occurrence. For himself, he conjectured, and the votes now proposed confirmed him in that opinion, that the want of money was the cause which had induced his Majesty's ministers to advise the calling together of parliament at the present moment. If he was right in this supposition, there was strong ground for requiring that the financial minister of the country should enter into a general statement of our financial situation. He had read the Speech from the throne several times, in the hope to find in it some cause assigned for the meeting of parliament, but he had not been so ingenious as to discover any; and he was persuaded that the oldest member in that House could not recollect an instance of parliament having been called together—the supplies having been voted—three months after that period, without the statement of some reason for such a proceeding, either from the throne, or at least from the mouths of ministers. To deny the present vote would seem peculiarly hard, and, indeed, was impossible, consistently with a due regard for the public service; but he declared, that he could not willingly vote any sum, until some official explanation was given of the nature of our situation. As connected with this subject, he could not help commenting on the unheard-of proceeding which, if the public prints were to be believed, had taken place between the right hon. the Chancellor of the Exchequer and some of those who were called the monied interest. A communication had been made to these gentlemen, that government wanted no loan, with a view to dispel any apprehension that the public securities would be further depressed. Other measures had then been resorted to for the purpose of obtaining money. The country had, however, seen a meeting of the most respectable merchants of London, having in the chair a gentleman, formerly a representative of the city, and so extremely well-disposed towards his Majesty's present government, as to have characterized them as the best and wisest ministers that ever lived; and yet this very

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individual had declared, that the measures proposed by 'the best and wisest ministers that ever lived', respecting the bonding system, were the most destructive to commerce that ever had been devised. All this was a strong indication of the great distress of the Treasury for money, and required explanation. He trusted the right hon. gentleman could satisfactorily account for them. But, at all events, he hoped that, before he called upon the House to vote further large sums of money, the right hon. gentleman would break through the silence which he had hitherto observed, and give the committee such an explanation of the real financial situation of the country, as would warrant him and every other gentleman in concurring in the votes proposed to them.

The *Chancellor of the Exchequer*, in reply to the right hon. gentleman's assertion, that it was unusual to call parliament together at the close of a year during which they had already been sitting, observed, that he was sure the committee could not forget how frequently that had occurred. And with respect to the declaration of the causes which called for the meeting of parliament, in his opinion, there never had been one more complete than that comprehended in the Speech with which his royal highness the Prince Regent had opened the present session. The right hon. gentleman, although he had acknowledged that it would be inconsistent with a due regard to the public service to decline acceding to the vote proposed to the committee, had accompanied that acknowledgment with a desire that he (the Chancellor of the Exchequer) would previously enter into a general statement of the finances of the country. If, by that expression, the right hon. gentleman meant that general winding up of the financial accounts which was familiarly termed the Budget, his answer was, that it was impossible to comply with the right hon. gentleman's wish at the present period of the year; because those accounts were necessarily in such a situation, that nothing of an accurate nature could be inferred from them. But if the right hon. gentleman was only anxious to know what were the intentions of the Treasury, as recently alluded to by himself, he should have no objection whatever, although he had meant to bring the subject forward in a few days, to anticipate that period, and to make to the right hon. gentleman's inquiry as satisfactory an answer as was in his power.

In doing this, he was convinced that he should shew the committee, that all the right hon. gentleman's surmises and suspicions were unfounded; and that there was nothing in the state of our finances extraordinary or alarming, or which should call upon them to treat ministers with any great degree of severity on the subject.

The right hon. gentleman had condemned the communication which he (the Chancellor of the Exchequer) had thought it his duty to make of the intention of his Majesty's ministers not to require another loan. The fact was, that a false alarm, grounded on vague and unfounded reports, had become so prevalent, that it became necessary to contradict it; and he had adopted the mode which appeared to him the best for that purpose. He repeated, that although in a few days he should have spontaneously explained the financial measures which he had in view, yet that he had no objection whatever to make the statement at the present moment. In the first place, then, it was not his intention to propose any loan, any funding of Exchequer bills, or any measure of a similar nature. All that he should move for would be the grants usual at the early part of the session—the ordinary votes—the annual taxes—and a grant of Exchequer bills, to renew the Exchequer bills which it would be necessary to pay off. He should also propose, that of two sums of Exchequer bills, amounting together to fifteen millions and a half, which were annually renewed from year to year, twelve millions and a half should be provided for; thus considerably diminishing the unfunded debt. Lastly, he should propose the renewal of the vote of several years past, providing for outstanding Exchequer bills.

The right hon. gentleman had adverted to another subject, which he (the Chancellor of the Exchequer) was desirous to explain to the committee. The committee would well recollect, that in 1813 (after some temporary regulations with respect to the warehousing of goods imported into this country) a General Warehousing Act was passed, by which Act goods imported into this country, and subject to a high duty, were allowed to remain in the public warehouses for three months, if not previously taken out by the merchants, either for home consumption or for exportation. In 1809, when the continental system of hostility to our com-

merce was in full activity, and in consequence the goods in our warehouses could find no ready vent, it was thought advisable by parliament to invest the lords of the Treasury with a discretionary power to extend the time to a twelvemonth. Subsequently to that period, and up to the end of last year, this indulgence was freely and liberally granted. After the glorious successes of the allies, however, had occasioned many of the continental ports to be opened, the lords of the Treasury considered it advisable to diminish the irregularities which this indulgence necessarily occasioned, and which threatened the revenue with considerable danger. They felt that the time was approaching when it would be expedient to recur to the ancient system. Under this impression, the lords of the Treasury, on the 25th of November last, issued an order, which he would read. [Here the right hon. gentleman read the order, which stated the reasons which induced the Treasury to fix the 1st of June, 1814, as the period beyond which the special indulgence which they had been accustomed to grant should not extend.] In the month of May, however, several representations were made by respectable merchants, that notwithstanding the success of the allies had opened many of the continental ports to British commerce, yet that the severity of the winter had prevented them from sending their goods out; and they prayed, therefore, for an extension of the time during which they were to be permitted to remain in the public warehouses. The severity of the winter being notorious, and forming one of those especial circumstances specified in the act of parliament, the lords of the Treasury were induced, on the 10th of May, to issue another order, extending the period of their former order from the 1st of June to the 30th of October, accompanying this indulgence with a distinct declaration and notice, that if the goods were not cleared out of the warehouses by that time, the provisions of the Warehousing Act would be strictly enforced. Nothing could be more positive and precise than the terms of this notice, which he would take the liberty of reading to the committee. "In granting this renewed indulgence, however, my lords desire it may be distinctly understood by the parties interested, that their opinion continues the same as to the expediency and propriety of resorting to the period

originally limited by the Warehousing Act for goods to remain in bond; and they direct that notices be given to such parties, that unless all goods that have been in bond the time thereby limited, are taken out before the 30th of October next, they positively will be proceeded against agreeably to law; my lords being of opinion, that the indulgence has been already too far extended." Yet, to his great surprise, several persons not long ago represented to him that they had never heard of this order! Others, who allowed that they had heard of it, said, that they did not expect it would be insisted upon. The Treasury, however desirous to diminish the irregularity of the revenue accounts, was as desirous to do this with the least possible injury to individuals. The lords of the Treasury, therefore, and the earl of Liverpool in particular, had several interviews with the persons who conceived themselves to be aggrieved by the determination to enforce the order of the 10th of May; but the apprehended hardship appeared to them likely to affect only a particular description of goods. Among these, the principal was coffee; owing to the three or four years of exclusion from the continent, a great quantity had been necessarily accumulated. The Treasury consented to extend the period of indulgence with respect to coffee to twelve months. Bark, owing to the same circumstance, and to the act of parliament which had prohibited its exportation, had also considerably accumulated, as had likewise barilla. An extension of twelve months was therefore granted with respect to those two articles. The right hon. gentleman, taking his commercial and financial, as he did his political information, from the newspapers and magazines, had talked of the enforcing of this order as a resource to which the Treasury applied in the absence of other means of raising money. The committee would, however, be surprised to learn, that the whole amount of the duties due on the goods at present warehoused did not exceed 1,200,000*l*. To one half of these goods the extended indulgence had been granted. Of the remaining half, a half would be exported. So that all that the revenue would derive from this 'harsh and violent proceeding,' as it had been termed, would be the prodigious sum of 300,000*l*.! And, be it remembered, that even with respect to the payment of this sum, a special indulgence had been granted. It was to be paid in



three months, by four instalments; so that only 75,000*l.* was to be paid down. He was persuaded, therefore, that the committee would agree with him, that if it was right to enforce the system which parliament had sanctioned, it was impossible to adopt more mild and cautious measures for the enforcement than those which had been resorted to; and as a further illustration of this, he would state the proportion which the principal excisable articles affected by this order (upon which, if upon any, it must bear hardly, on account of the greater amount of duty chargeable) bore to the total consumption and export of the preceding year. That of French wine, from the most accurate accounts which could be procured, was 1-30th, of other wines 1-8th, of foreign brandy 1-60th, geneva 1-30th, and rum 1-220th. With respect to the general policy of the warehousing system, he was perfectly ready to admit its value and importance; but this he would say (and it was an opinion which he was prepared to justify by facts), that unless the time prescribed by the Act were observed, and the accounts kept with a strict regularity, the revenue would be very seriously endangered. It was certainly unfortunate, that the persons who had communicated with the Treasury on this subject, were not those who were interested in the property in question; the consequence of which was, that they had not been able to point out any practical remedy for the evil of which they complained, by which, at the same time, the revenue would not be injured; but had insisted on an abstract principle, the justice of which it was impossible to admit, namely, that the indulgence should be unlimited, and that the merchants should be permitted to leave their goods in the public warehouses for as long a period as their convenience might require. Nothing could be more injurious to the revenue than the admission of such a principle. It would be impossible ever to wind up the public accounts. At the present moment, the Excise accounts exceeded a thousand folio volumes! Unless, therefore, a stand was made, and a fair and regular usage resorted to, every thing would be thrown into confusion. He repeated, that he was friendly to the warehousing system; he was even prepared to propose a considerable extension of the indulgence which the existing Act granted; but he considered it indispensable, as a preliminary step, to wind up matters in

conformity to the law as it at present stood. The right hon. gentleman concluded by apologizing to the committee for having trespassed so long on their attention.

Mr. *Baring* declared, that the subject which had just been treated by the right hon. gentleman, was one of the greatest commercial importance, not to London only, but to the whole empire. It seemed the determination of the right hon. gentleman to break up the bonding system. Towards the close of his speech, the right hon. gentleman had certainly evinced a different disposition; but the whole of his argument at the beginning went to show, that the continuation of that system was not consistent with the security of the public revenue. The right hon. gentleman had said, that there were two distinct questions to be solved—whether the intention of government to break up the bonding system was right—and, if right, whether it had been done in a way that was fair to those who were interested. What he particularly complained of was, that the right hon. gentleman, in all his interviews with the parties concerned, had never given a fair explanation of his purpose; and it would not be until to-morrow morning that the merchants would be rendered aware of it, by being informed of the present debate. From all the accounts which he had heard of those interviews, it appeared, that after the merchants had exhausted their eloquence on the right hon. gentleman and his colleagues, they were dismissed without receiving any satisfactory answer from ministers of their intention. As to the declaration of the right hon. gentleman, that the greatest pains had been taken to apprise the merchants of the determination of the Treasury to enforce the order of the 10th of May, it should be remembered, that since the existence of the bonding system, the same expressed intention had been kept impending over the heads of the merchants in every successive order. Was it strange, therefore, that the merchants should still conceive that the intention would not be carried into effect? Indeed, it was only within two months of the period prescribed by the order of the 10th of May, that any serious apprehensions were entertained by the commercial world, of the determination of the Treasury. The consequence was, that goods were forced out of the country, at a season of the year when it was difficult to obtain a market, and when

the rates of freight and insurance were necessarily increased. The committee would, perhaps, allow him to explain the bonding system. What the merchants understood by it was this:—In old times, certain goods paid a duty on importation, and received a drawback on subsequent exportation. By the bonding system, goods on importation were lodged in public warehouses, for the purpose of being either exported, or absorbed into home consumption; and it was only in this latter case that the duty was paid on them. It was essential to the welfare of the mercantile interest that this system should be continued. All the principal ports of France enjoyed a similar indulgence. To the merchants of this country it was indispensable that they should be permitted to import and warehouse goods, and leave them thus warehoused for any number of years, and export them at pleasure, and, in fact, be entirely unnoticed, unless they drew them into home consumption. This privilege the merchants desired, and this they enjoyed, until the right hon. gentleman thought proper to break in upon it. If he understood the merchants rightly, they had distinctly expressed their readiness, if any abuse existed, to endeavour to rectify it in any way that the Treasury might point out. But no—nothing less than the destruction of the bonding system would satisfy them. The consequence was, that all the goods warehoused must either be drawn into home consumption, or be sent abroad. Now, of some of these goods there was an accumulation of ten years consumption; and what possible good could be derived from forcing people to carry them away under circumstances of such disadvantage? At some future day he would move for the appointment of a committee, to inquire into the benefits which would result from the establishment of a complete bonding system; and he would venture to predict, that if such a committee were appointed, the commercial interest would convince it of the advantage of such a system. As to the number of books at the Excise-office, if the Customs and Excise-offices did not know how to manage their accounts, if they had 1,000 ledgers, and had got those books into confusion, it by no means followed that the benefits which would accrue to the country from the continuance of the bonding system should therefore be withheld. If government had puzzled themselves with the forms of office, it by

no means followed, that the merchant should not have the benefit of placing those immense quantities of goods, for which there was no consumption in this country, in a state of security greater than he could hope to obtain for them in any other place. The confidence of foreigners in the stability of this country was very much shaken, by seeing measures enforced, which it was never supposed would be carried into execution, just as any whim happened to come across his Majesty's ministers. On the whole, he most heartily condemned the step taken by government, the produce of which, in a financial view, was so insignificant, and the real operation of which was only to compel our merchants to export their goods against their interest.

Mr. *Protheroe* thought that the right hon. gentleman had reasons to complain of the manner in which the last speaker had alluded to what fell from him. The right hon. gentleman had not said any thing of breaking up the system, but of substituting for that which was now loose, vague, and undefined, a fixed and settled rule. From observing the importance attached to the question in the city of London and elsewhere, he had expected to receive instructions from his constituents at Bristol on the subject; and it was due to the right hon. gentleman to declare, that he had not even had an individual complaint from any one of them. He concluded from this, either that they had not felt any inconvenience from the measure, or approved of it.

The *Chancellor of the Exchequer*, after the candid observation of the hon. member who preceded him, begged leave to make a remark or two to the committee. What had been called a breaking up of the system, was an extension of indulgence of twelve months, to many of the articles, beyond the time allowed by law. There was no case in which inconvenience had been proved, that redress had not been granted. The rivalry of foreign nations was to be expected, but the advantages of trade here would enable us to meet it. The restrictions on the bonding system at Marseilles were more severe than any enforced in this country. The right hon. gentleman then, in answer to the observation, stating, that there were ten years consumption of articles to be affected by the present measure, assured the committee, that in looking over the joint returns of the Customs and Excise (excepting

tobacco), it would appear that in wine and spirits, the quantity on hand was not so very considerable; for instance, the stock of French wine did not exceed three weeks consumption; wine, not French, six weeks; of brandy, not the sixth of a year's consumption; of geneva, not a 30th; of rum, not a 220th. Such was the amount to be affected by whatever regulation was adopted by the Treasury, and of this was composed the aggregate body of mercantile complaint.

Mr. *Stow* alluded to the communication made by the Chancellor of the Exchequer, in contradiction to the rumour of an intended loan, the mode of which he censured in strong terms. He had reason to find fault with any communication, the effect of which operated to alter the price of the funds four or five per cent. in the course of half an hour. When such communications became necessary, some other mode ought to be resorted to for their promulgation. The motive for contradicting the rumour alluded to, was doubtless a good one: and he begged to be understood as not casting a reflection upon any of the parties, when he stated, that the information, some how or other, got afloat, perhaps from the unintentional conversation of one friend with another: and it was certain, that large funded purchases were in consequence made. A half official paragraph appeared through the vague medium of the newspapers, announcing, that it was not intended to enter into a new loan; but the information, in part, had transpired on the day preceding, and funded speculations were accordingly matured.

Mr. *Tierney* said, he would not enter deeply into the merits of the bonding question. The probable result of the proceedings that had taken place would be, that either by petition or in some other mode, the subject would be brought before the eyes of parliament again. He would only remark, that the bonding system seemed to have been generally adopted elsewhere, without being attended with any inconvenience, or danger to the revenue. As to a still more important matter, the financial dispositions for the year, and the manner in which the right hon. the Chancellor of the Exchequer had intimated his intention not to demand a loan, or the funding of any Exchequer bills, he thought it would have been better if he had made no communication whatever on the subject. He had no doubt of his

having acted with the best motives, and believed that his views were perfectly honourable; but the public had not had the full benefit of the communication. The governor of the bank, and the deputy, had had not made known in the city the right hon. gentleman's intentions on that point. He did not mean to cast the least imputation upon them; but, as it had been observed, the information might easily transpire from friend to friend. It was a fact, that previous to its publication a considerable depression in the funds existed, and that undoubtedly those who were in possession of the minister's views, had it in their power to make money by it. The public itself had not become acquainted with the fact until two days after the communication had been made by the Chancellor of the Exchequer, and great fluctuations had been experienced in the funds. He knew that paragraphs had appeared in the papers, but such might have been inserted for the very purpose of raising the funds, and therefore would not obtain general credit. He completely acquitted the Chancellor of the Exchequer of all intentional fault in this business; but through something or other the effect produced had not been such as might have been desired. The depression in the funds, to which he had already alluded, had, however, been occasioned by a prevalent opinion amongst commercial men that government wanted money. But how, after the enormous grants made during the last session, could reports that a large loan would be wanted originate? This shewed no great confidence on the part of the city in the wisdom or skill of his Majesty's ministers. It was, in fact, saying, that after they had possessed every means and opportunity of ascertaining what supplies would be necessary, they had made erroneous calculations. The right hon. gentleman, however, repelled the supposition that he stood in need of money: but the fact was, that he wanted it. The manner in which he proposed to have it, had been wrongly stated, but not his object; and when he pretended that nine millions would be sufficient, it turned out that he wanted nineteen. If it was asked, why parliament had been called thus early together, the right hon. gentleman was mute; he would maintain that it was not for money, but he made the House feel it by asking for it. Should he object to the present vote, the right hon. gentleman would say that he stopped the supplies of the year, and

wished to embarrass the operations of government. Such was not his intention. But he thought that without interfering with the machinery of public affairs, he was entitled, as a member of parliament, to ask the reason why the large sums granted last session had proved insufficient, and additional supplies were wanted? He did not think that proper respect was paid to the House, in merely stating the want of money, without adducing any grounds on which to justify it; and yet that was the course which the right hon. gentleman had adopted. He had not shown what additional services had been performed to render these additional supplies necessary; he seemed to have thought it sufficient to state, that a certain sum was to be voted, without any further explanation in order to obtain it. Was this the result of the liberality displayed for two sessions of parliament towards ministers? Every thing which they had required during that period had been granted them; all had been done for them, in order to bring no check to the exertions of the country in the decisive struggle in which it was engaged. But now affairs stood on a different footing. Now, it appeared, that when they might have obtained large sums, on proving their necessity, they had preferred taking less than was sufficient for their expenditure, and concealing the actual wants of the country from the country itself! At present, he wished to know exactly how much money was wanted to carry on the necessary expenses of the country until the 1st of January next. For this he should vote, but for nothing more. The object of the Chancellor of the Exchequer seemed to be more extensive: he appeared to wish to get together as much money as he could, in order to put off as long as possible the next meeting of parliament. At what time, and to what period, he intended to propose an adjournment, the right hon. gentleman had not said; neither would he state, it until he should have obtained his money. He had heard the end of February next mentioned; but unless the members wished to be reproached by their constituents with having neglected their interests and betrayed their duty, they would bind the right hon. gentleman to something which would compel him to meet parliament at the beginning of January. The most important considerations were depending on the present period. It was said, that after having completed all the arrange-

ments on the continent, we had time to turn to our own affairs; but never had the affairs of this country been in a situation which required more deep probing than the present. To effect this salutary and necessary purpose, it would be proper to appoint a committee, not to make a partial, but a full report on the expenditure of the country. The result of such an inquiry would prove, not that mere economy was wanted, but that extraordinary measures should be adopted, to be able even to form a proper peace establishment. He apologized for the introduction of these topics at this period; it was not his fault if they had not been taken into earlier consideration. A committee, he repeated, should be immediately appointed, to take into consideration the real situation of the country, and to look its difficulties in the face. All those alarms of invasion were now done away—all those unjust aspersions, which attached to men who differed with the existing government, were at an end; and it became the House of Commons to express its sentiments, as the legitimate guardian of the public purse. He felt it his duty to impress upon them the declining state of the finances of the country. He affirmed, without fear of contradiction, that not a moment was to be lost in probing the state of the resources of the nation, and of applying an immediate remedy to the perils which encompassed them. Not a moment was to be lost. A committee ought to be appointed to investigate, not partially but fully, the state of our income and of our expenditure. The result of their inquiries would be, not merely that economy was necessary, for economy was not a word sufficiently large for the occasion, but that some new and extraordinary measure must be adopted to enable the country, even with a peace establishment, to bear the burthens with which it was oppressed.

With respect to the Army Extraordinaries, it would not be amiss now to submit one or two observations to the House. Every year during the last five years, they seemed to exceed in a most surprising degree the estimates laid before the House. In the year 1810 they were stated at 2,750,000*l.*; the next year a sum of 627,000*l.* was called for to make up a deficit; in 1811, 3,200,000*l.* was their stated amount; the year after a deficit of 2,300,000*l.* was called for. The following years five millions was the calculation, and four millions in addition were



subsequently necessary to meet the claims. In the last year nine millions had been voted, and now ten millions additional were required. Could such a system last? And yet in the Prince Regent's Speech the revenues were represented as in a flourishing state! The ministers had taken the responsibility of putting into the mouth of the sovereign an assertion quite at variance with the fact. He, on the contrary, would assert, that it was in a most miserable state. A more deliberate falsehood was never put into the royal mouth, than to say, that the revenue was in a flourishing condition. For what was meant by a flourishing condition? It was not that they amounted to this or that sum, however high, but that they were adequate to the exigencies of the state. The time was not far distant when twenty millions, nay even ten millions a year, would have been considered a flourishing revenue; but the case was very different now. It was true enough the revenues were great; but such at the same time were the burthens to which they were subject, that they were not equal to meet the exigencies of the country. He had drawn out a statement on this subject, in a paper which he held in his hand, the substance of which he would now state to the House. In this statement he had assumed that peace would be completely established by the 1st of January next, and that all the expenses of the war might be wound up for twenty millions. If, on the 1st of January next, they could consider peace as permanently established, this was the way affairs would stand. Taking the accounts of the revenue as the same with those of the 1st January last year, which he had reason to believe would not be far from the truth; for notwithstanding what the right hon. gentleman had been pleased to say of the flourishing state of the finances, and of the great expected increase, when the accounts were made up to the 1st of January next, the excess above the preceding year would not probably be more than 3 or 400,000*l.*; taking, then, the amount to be the same as at the 1st of January last, the produce of the consolidated fund would be 38 millions, after making the necessary deductions. To that, add the amount of the share of the lottery, the revenue of the Post-office, &c. and the whole of the income of the permanent and annual taxes would be found 41,591,000*l.* and not one farthing more. That was all

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the income of the country. Now, the charges against this income were, 1st, the interest of the national debt, amounting to 35,630,000*l.*; and 495,000*l.* the interest of the debt of the emperor of Austria; making in all 36 millions odds. Then there was the interest and sinking fund on 30 millions of outstanding Exchequer-bills, which he would suppose to be funded at 75, a much more favourable supposition, he had no doubt, than the result would justify. This sum funded in the 3 per cents. with the corresponding sinking fund, would give 1,600,000*l.* There were also the extraordinary expenses up to the 1st of January, taken at twenty millions, which he also supposed to be funded at 75, making an additional interest of a million. A considerable addition to the pension list would also take place in consequence of the peace. Taking it at 1,745,000*l.* this made the whole of the charges 40,334,000*l.* But then, in addition to this, there was 600,000*l.* for Ireland, and when this was taken into account, it would leave a surplus of revenue to meet the expenses of the country, of only 568,000*l.* for Great Britain. No man in the House could shew him that one farthing more was derivable from the permanent revenue of the country; but it would be necessary to take Ireland also into account in a view of our situation. It was necessary to look all our difficulties in the face, and here the prospect was most lamentable indeed. The revenue of that country amounted to 5,056,000*l.* or in English money 4,607,000*l.* Add to this the lottery, and the whole was in English 4,787,000*l.* Against this there was a charge of 5,289,000*l.* There was, therefore, a deficiency here of 502,000*l.* On the whole, then, the affairs of the United Kingdom would stand in this way. The income of the whole of the empire amounted to 46,377,000*l.* and not one farthing more. The amount of the charges against this sum was 46,312,000*l.* leaving a balance of only 65,000*l.* to meet the expenses of the country, and not one farthing more.

If peace could be established by the 1st of January next, not one moment ought to be lost before the House considered how they were to meet the expenses of a peace establishment. As there was only 65,000*l.* of clear revenue, where was the rest to come from? He was sure he had laid sufficient grounds before the House to induce them to go into this inquiry.

except they meant to prove to the country that it was their intention to go on from day to day without meeting the difficulties of the nation in the way which they ought to do. He had been casting about in his mind where the right hon. gentleman was to find resources. He had last year laid his hand on the sinking fund, and by that means saved taxes to a considerable extent, and as he thought, had done much mischief. That right hon. gentleman had vauntingly said, last year, that the country was possessed of a bank of one hundred millions of disposable stock, and he had asked if there ever was any other nation of which the government at the end of an expensive war could put its hand into a fund of similar amount? Now, the right hon. gentleman had put his hand into this bank, and he wished to learn from him what would be in it now, if peace were established to-morrow morning? Why, not much more than 30 millions. We had, therefore, before finishing the war, got rid of all this sum but 30 millions. If the right hon. gentleman took this sum, then to the 65,000*l.* he would have an additional million yearly; and if to this he added 300,000*l.* for the excess of this year's revenue above that of the preceding, all that he could have in this way was merely a million and a half. He wondered that the right hon. gentleman, when casting up in his mind how stocks happened to be so low, never came to think of the sinking fund. At this moment the sinking fund was worse by 4,400,000*l.* than if the right hon. gentleman had never been heard of; for what with the sums he had taken from, and those he had turned from it, instead of 15 millions, there was now only a sinking fund of somewhat above eleven millions. What was the proportion between the sinking fund and the unredeemed debt of the country? If the right hon. gentleman had let it alone, the proportion would have been as 40 to 100. The proportion was now very different. What were, then, the resources of the right hon. gentleman? He might say he looked to contemporary different war taxes. But of the war taxes, besides the property tax, which were not permanent, there was only about six millions and a half; and this was all which the right hon. gentleman could derive from this source, even supposing all the war taxes to be retained. But the right hon. gentleman well knew that many of the war taxes could not be counted on in

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a time of peace; and if he could find four millions available in such a period, it would be the very utmost. There would thus remain to the right hon. gentleman five millions and a half. Did he think this sum fully equal to all the wants of a peace establishment?

Now this was the state of things, if the country left off war by the period he had fixed on. If the war went on then, things would be much worse, and considerable additions must be made to the black side of the account. Where was the rest, then, to come from? Would the right hon. gentleman have it by loans? That would not do, however. Perhaps what was lurking in his mind as an available resource, was the property tax. He had asked him, on the first or second day of the session, what he meant to do with the property tax, as he himself considered that it expired on the 5th of April next. The right hon. gentleman in answer said, that he (Mr. Tierney) did very wrong to consider any such thing, and that he was not clear that it expired then; but, at all events, nothing would be brought forward on that subject till after the recess. Now, it was well known, that the Bank restriction and war taxes were continued till six months after the signing a definitive treaty of peace. With respect therefore to the property tax, it was continued during the war, until six months after the signature of a definitive treaty of peace. The definitive treaty of peace could only relate to the war then existing. The House had twice pronounced this to be their judgment on this subject, in two distinct acts of parliament. The property tax, therefore, expired six months after last May; for the words were expressly during the war, until six months after the ratification of a definitive treaty of peace, and no longer. Whenever the treaty was signed, that tax was necessarily taken off the shoulders of the people. But, it would be answered by the right hon. gentleman, that this was not the proper time to take this subject into consideration. Now, here he would ask, if they allowed this opportunity to slip, what time would they have for the consideration of this question? He had no difficulty in saying, if an intention was announced of continuing the property tax, that petitions would pour in from all parts of the country against it. He had always thought this a most unjust tax. He was aware that the circumstances of the country had been pressing, but

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however willing he might be to assist the pressure, he considered himself bound to keep faith with the country, and he was of opinion, therefore, that this tax ought on no account to be continued. He had certainly consented and assisted in increasing it, and he prayed to God to forgive him for it! It was a tax of so unequal a nature in its operation, that nothing but the utmost necessity could justify it. Did the right hon. gentleman not believe that the continuation of the property tax would promote emigration of persons of property from this country? Not only persons of limited incomes would be obliged to emigrate, but much of the capital of the country would necessarily be driven from it. Thank God, the heart of the country was yet sound, and its energies were such that it was still capable of very great exertions! But then, every thing depended on the country having a reliance on the wisdom and good faith of parliament. Parliament could not express their determination in stronger language than they had made use of. The mass of the people of this country looked to the hour of peace as a relief from their difficulties, and as putting an end to all taxes whatever. The property tax could not, indeed, be continued; but other taxes, and very heavy taxes indeed, must be laid on, to meet the exigencies of the country. He believed that in times of peace we must look for a diminution instead of an extension of the amount of our taxation; for he believed that the enormous amount of our war expenditure was a great means of extending our taxation. In this, however, he might be wrong; experience would determine. Again he implored gentlemen to look the difficulties of the country in the face. These difficulties were pressing, and they had not an hour to spare. They had to consider the state of our taxation—what taxes were necessary to meet the expenditure—what retrenchments could be effectual in that expenditure. If the House did not do this, they would not be doing their duty to their country. There was now an end of Buonaparté, and an end of the preponderance of France. Unless parliament probed these matters to the bottom, not many years would elapse before the country would curse them for not discharging their duty. Feeling that every hour pressed, he had thought it his duty to deliver his sentiments on the present occasion; and if he had succeeded in impressing the House with the importance

and the necessity of the duty which awaited them, he should consider himself as having done something.

The *Chancellor of the Exchequer* said; that the right hon. gentleman had, on almost every occasion, during the last twenty years, been uttering predictions respecting the finances of the country, similar to those they had heard that night. How far these predictions had been verified the House would judge. He agreed in thinking that, whenever a peace arrived, a view must be taken of the finances of the country; and he certainly hoped that the House would meet the difficulty in the manly manner which had been done by the right hon. gentleman. Nothing was more true than that the difficulty must be met by retrenchments and additional taxes. But he rose principally to exculpate himself from two accusations which the right hon. gentleman had brought forward against him. The right hon. gentleman had chosen to suppose that he, in proposing the supplies last session, had wilfully kept back a considerable expense, which he at the time knew would certainly fall on the country. Now to this he would oppose a direct negative. He had stated to the House, on the first night of their meeting, that he had been considerably disappointed in two branches of the expenditure. The Navy Estimates had fallen short, as he had already said, from various causes not anticipated; such as the return of a number of prisoners with great claims for money, and the American war having forced us to keep up a larger navy than was calculated on. He had likewise stated, that in our army establishment certain expenses had come more suddenly on than was expected. He had also admitted, that the expenses of the war had been beyond all former precedent; but he must beg to remind the House, that the result of the war had exceeded the most sanguine expectations; and he desired them to judge whether the expense, whatever it might have been, was not, if necessary to that result, most amply justified.

The other charge of the right hon. gentleman was still more severe, and he was anxious to exculpate himself from it. The right hon. gentleman had said, that he had put a falsehood into the mouth of the sovereign. The right hon. gentleman had chosen to understand in the Speech what it was impossible the Prince Regent could ever have meant. All that ministers could

mean by saying that the finances of the country were in a good situation, was, that the revenue was increasing, which he had proved to the House beyond all means of contradiction. The House would find that the revenue had been increasing from year to year, and from quarter to quarter. On the 10th October 1813, it was 60,786,652*l.*, and on the 10th October last past it was upwards of 63,461,864*l.* As far as the accounts were before the House, this was indisputable; and it was in the power of gentlemen at once to satisfy themselves. The right hon. gentleman had entered into a long detail of accounts, in order to show that the consolidated fund and annual taxes would not much exceed the permanent charges of the country. Undoubtedly that fact was true. He expected the permanent revenue to increase; but the fact was, that it could not much exceed the charges. But, let the House consider the present situation of the country, with reference to its situation on any former occasion of a similar nature. At the conclusion of the American war, the consolidated fund scarcely extended to the interest of the national debt. What gloomy predictions had on that occasion been made! And in how few years, under Mr. Pitt's administration, did the country regain a flourishing situation! This afforded a hope, that the finances of the country would now also soon be relieved from difficulties. With respect to the period referred to, the taxes corresponding with the consolidated fund were then the sole resources of the nation. But at present we had more than twenty-four millions of war taxes. Supposing, therefore, we added something to our burthens, we had this twenty-four millions, from which a diminution would still be effected.

The right hon. gentleman had stated, that but for him the sinking fund would have been between 15 and 16 millions. But, would the right hon. gentleman lay his hand to his heart, and say, if he thought that the country would have been more flourishing than it was at present, if the sinking fund had been untouched, and from six to seven millions of new taxes imposed on the country? If they should have occasion to call for new taxes, the best preparation for them, was the having forbore to impose any new ones so long. By merely imposing at the return of peace those taxes from which the country had been spared during the last year of the

war, the right hon. gentleman's problem might at once be solved. The right hon. gentleman had rather triumphantly asked, what had become of the fund which was to be reserved for the time of peace? That fund had certainly been reduced by the necessities of the country; but there would at Christmas next be sixty millions still remaining, instead of between thirty and forty millions, as had been stated by the right hon. gentleman. Now he apprehended, that if at the close of any former war the most prosperous, any Chancellor of the Exchequer had been enabled to inform parliament that he had 60 millions of stock applicable to the public services, this would have been considered as a most singular circumstance. He was aware that the situation of the country was such as to require a full investigation; but this could not be done till the establishment of peace, as till then the permanent expenses of the country could not be known. He, for one, would not shrink from any such investigation. With respect to the property tax, whether it expired next year or not, was a legal question, on which, whatever might be his own opinion, he should think it right to consult those wiser than himself. All that could be argued was, that the tax now granted would expire on the 5th of April next. The revision of this and other similar matters, pledged ministers to an early meeting after the recess. There were so many matters to occupy the attention of parliament, that there was no apprehension of parliament not meeting in due time. Last year, things were very different. In consequence of the absence of his colleague on a service of such importance to the country, all bills of an urgent nature had been brought forward before the recess; but if that was not done this time, the House must again meet in a reasonable time.—[What did the right hon. gentleman mean by reasonable? was asked across the table.] He could not yet fix on any particular day, but it would be much earlier than had been stated by the right hon. gentleman; and he thought the House had no reason for withholding the supply now wanted, on the apprehension of any delay.

On the question being again put from the chair,

Mr. *Ponsonby* rose and said, he could not conceive why the right hon. gentleman was so particularly solicitous that this question should be read. It was a question



of supply; and, on any question of that nature, it was the imperative duty of every member of the House to go fully into the subject. No man, who knew any thing of the constitution of the country, could deny this position. But he was not so much surprised at the right hon. gentleman's anxiety to get rid of this question, as at certain observations which fell from him in the course of his speech. It appeared, that he had not yet made up his mind, whether the property tax should be continued or not; he wished to refer the matter to persons whose judgment was more perfect than his own. He was absolutely ashamed to hear a gentleman, holding so high a situation, make use of such language in that House. He would read the Act; and then let any lawyer stand up in his place, and state his doubts as to its construction. The Act said, that the tax should commence "from and after the 5th day of April, 1806, and continue in force during the present war, and until the 5th day of April next after the ratification of a definitive treaty of peace, and no longer." He could not imagine who those persons were, whose better judgment was to alter the evident meaning of these words. It was utterly impossible for the legislature to have spoken more clearly and explicitly. The language which they here made use of, did not even admit of a doubt. The right hon. gentleman observed, that it would be a matter of grave consideration, whether the property tax should be continued, or new taxes should be imposed. Now, he must contend, that the subject did not admit of any consideration whatever. For, if they thought proper to continue the property tax, it would be one of the grossest acts of oppression and injustice—it would be one of the greatest breaches of good faith ever perpetrated by the legislature towards the people. There were many objections to this tax, besides the greatness of its amount. It was a tax so extensive, that, by imposing on it a trifling additional per centage, a very large sum could be procured; in consequence, it always afforded a temptation to ministers to push it to the utmost limit. This formed a very powerful reason for not continuing this tax—and any other that could be substituted for it, would, he was convinced, be preferable. It was a tax which, in its very nature, was abhorrent to the principles of the constitution. He had never voted for it; and nothing on earth could have induced him to do so.

Its provisions were completely hostile to the principles of freedom, and the inquisitorial power which it recognised was horrible. Instead of paying 10 per cent. under that Act, he would willingly pay 15 per cent. under any other, which did not grant such disgusting powers.

The right hon. gentleman stated that he was willing to give information—not voluntarily, indeed—but when he was asked for it. Now, as information was extremely valuable, he hoped gentlemen on his side of the House, would frequently take the trouble of inquiring for it—he trusted they would never be ashamed of paying the price at which, it appeared, knowledge on important subjects could be procured. The right hon. gentleman had observed, that if he (Mr. Ponsonby) depended on newspaper intelligence, he would know as much about the finances of the country as those who studied magazines knew of continental politics. But before the right hon. gentleman had ventured on this sarcastic remark, he ought to have considered the disadvantage under which he (Mr. Ponsonby) laboured. All the ordinary sources of information were shut against him and his friends; and ministers had put nothing in the mouth of his royal highness the Prince Regent, by which they could judge of the motives that led to so early a meeting of parliament. Under these circumstances, he guessed that they were called together for the purpose of granting money; and he believed every member of that House would now agree that he guessed correctly. But, though the right hon. gentleman had refused information, his right hon. friend near him (Mr. Tierney) in one of the clearest, plainest, and most luminous speeches ever delivered in that House, had communicated all that it was necessary for them to know. That speech, he hoped, would awaken the attention, and open the eyes of the House, if they were inclined to suffer the subject to pass without proper investigation. The right hon. gentleman declared, that there were sufficient securities to dispel any fear that parliament would not meet soon after Christmas. The Mutiny Act would expire on the 25th of March, and the Bank Restriction Act would cease about the same time. Now, from this statement, he derived the information, that it was intended to continue the latter Act; but he denied that there was any security for the speedy assembling of parliament.

Why might not the bills in question be forwarded now? But, instead of proceeding in that manner, what security was there that parliament would not adjourn over to a very distant day? and when they met, they might be told by ministers, that certain acts had a very limited time to run; and then call on them for their renewal, at so short a notice, that they could not be properly considered. If such a principle were acted on, it would be assuming a power of coercion over the House, which could not be too much reprobated.

As the vote then under consideration was connected with the navy, and as that department was peculiarly interested in the war with America, he wished to make a few observations on the mode in which that war was conducted. The right hon. gentleman said, that 70,000 seamen would be necessary for the prosecution of the American war. It might be so: he did not mean to dispute that such a number of men might be required. But this he would say, that there never was a time when the persons concerned in conducting the naval service of this country, came with a worse grace to parliament to ask for this supply; for there was no instance in the history of England, in which misconduct in the naval department was so evident. He did not like to use harsh expressions; he did not wish to couple the navy with the word 'disgrace;' it would be so extraordinary a combination, that he was ashamed to utter it; but he would openly assert, that there were instances of misconduct in the management of the navy, that would disgrace it, if the character of the navy itself—if the glory it had so nobly acquired—did not repel so foul an aspersion. Was there, he would ask, any opposition made to placing in the hands of government every thing they required for carrying on the war with vigour? Was not every thing that was demanded immediately granted?—[The Chancellor of the Exchequer said across the table, 'Yes.']—The right hon. gentleman acknowledged the fact; he knew that every thing had been done which was considered necessary. How came it, then, that such misfortunes had occurred on the lakes of America? How could ministers account for these reverses, when they were enabled to have had a force on foot, equal, if not superior, to that of the Americans? He knew not how these disasters could be accounted for, except

by supposing that they originated in misconduct. It was a subject that demanded the most serious inquiry, and he hoped, when inquiry was asked for, that ministers would not stand up and oppose those gentlemen who called for it.

Now, with respect to the war itself, it arose, he believed, from the British Orders in Council. Those orders had been repealed; but most unfortunately, the revocation by this country, and the declaration of war by America, took place within a few days of each other. The Orders in Council were revoked on the 23d of June, and the declaration of war was issued on the 18th of that month: the revocation, therefore, could not prevent the commencement of the contest. When war was declared, an Address was voted to the Prince Regent, in which the House declared, that they would support the old established maritime rights of the country, by every effort in their power. No man more cheerfully concurred in that Address than he did; and, he believed, he had the honour of seconding it. On that occasion there was not the smallest difference of sentiment between him and the noble lord who moved the Address. What he then stated he would again repeat—he never would consent to give up the right of search, or any particle of our maritime code. But, he believed, that, at the present moment, there was no question between the two countries on this subject. That question arose out of the relative situation of belligerent and neutral powers. But, there being no belligerents now in Europe, there could be no neutrals; and, therefore, there was no likelihood that the question of our maritime rights would be contested. In such a state of things, he was sure that no person would call on them either to declare or to continue war for the assertion of the mere theoretical principle: it would always be time enough to support our maritime rights, when they were attacked. Thus, it appeared to him, that the original cause of the war no longer existed; but other matters had grown up between the two governments, which had been argued with considerable warmth and animosity. He believed the war to be extremely popular. The people of this country, he was convinced, were most favourable to it; if they were polled, a great majority would, he doubted not, be found to approve of it. But, he should be glad to know—to understand distinctly—what they were now at war for? what the sub-

ject of hostile dispute, at the present moment, was?—and on what grounds the government of this country would be willing to make peace? He hoped they did not indulge the idea of continuing the conflict, for the purpose of conquest. He would support them to the utmost, in defending our maritime rights; but he would not stir one step in favour of any set of ministers, who looked forward to conquest; because, if they were even successful, he was of opinion that it would be injurious to the country. They did not want colonies; Great Britain already had enough of them; and he was sure, if a system of conquest were pursued, it would be injurious both to the constitution and the finances of the country. But were they convinced that they would be successful, if they proceeded with the war for the purpose of acquiring territory? The information which he had received on this subject, led him to conclude, that they were more likely to fail than to succeed in such an attempt; and the mischiefs that would inevitably be produced, if, having aimed at such an object, this country should fail, might easily be perceived by every man capable of taking a correct view of the subject.

He saw, with great regret, the difference between the language of the Prince Regent's Speech, made at the close of the last session, and that with which the present was opened. In the former, his Royal Highness's ministers made him say, that 'he was sincerely desirous of the restoration of peace between the two nations, upon conditions honourable to both.' This was just such a peace as he should like to see concluded. Now, in the Speech recently delivered from the throne, nothing more was said than that his Royal Highness wished for peace 'on just and honourable terms.'—[Hear, hear! from the Treasury Bench.]—It might not be so intended; but when this observation was contrasted with what his Royal Highness said at the close of last session, it certainly assumed a character of greater hostility. The expression seemed to relate more to what was honourable for this country than for America. He meant not to ask his Majesty's ministers how they intended to carry on the war; he did not seek to know their plan of operations; they, of course, would resist such an inquiry, as improper, if he were weak enough to make it; but he thought they might, with perfect safety, inform him,

whether the war was undertaken from motives of conquest? He could see no harm in their making a declaration on this subject. On the contrary, he conceived that it would do much good. If the American government were influencing the people to carry on the war, under the idea that this country entertained a hope of making conquests, a declaration that no such idea was cherished would disarm them, and prevent them from exciting the feelings of their population by advancing falsehoods. As long as the war was carried on, it might be proper to make every possible impression on the enemy's territory; but he wished to learn, whether any object of permanent territorial accession was contemplated? A declaration of this description would be most useful in showing the *animus* with which this country continued the war.

Mr. *Whitshed Keene* said, he could not concur with the right hon. gentleman who had just sat down, in thinking that because the question respecting neutral rights was not, in the present circumstances of the world, of the first importance, there would be no difficulty in making peace; nor did he think it would be well to make peace, leaving that question to be disposed of at some future period. When we had before our eyes the hostile conduct of America (though not openly at war), during the last twenty years, her ready acquiescence in the measures of the late ruler of France, and the zeal with which she had seconded his efforts to ruin England, he thought it desirable, this question should be left undecided no longer. The object of the government of the United States had unquestionably been to expel the English from that continent. For this purpose, the possession of the lakes was to them of great importance; and he could not but condemn the improvidence of the British ministers in neglecting to secure a superiority in that quarter, as on the possession of them must the security of Canada in a great measure depend. America, possessing the sovereignty of the lakes, would command all the Indian nations. If she were not excluded from them, she would get Canada into her hands, expel the English from that continent, and subsequently endeavour to possess herself of our West India islands, and of all the European settlements in that quarter of the globe. The present he considered to be the proper moment for settling this point; and,

for himself, though, at his age, he could not expect to remain long in this world, he would willingly embark not only his own property, but that of his posterity in the cause. He wished no injury to be done to America; but he desired to have the British possessions secured. He then adverted to the loose, underhanded manner in which the treaty of 1783 had been concluded, and to the encroachments which the Americans had ever since been attempting. These ought to be effectually guarded against, though conquest in America was not to be desired; for if the United States were disposed again to come under the dominion of England, he did not imagine it would be thought wisdom on the part of the government of this country to accept the change. He repeated it, the present time was the fittest for settling the question which had been so long agitated: the present situation of Europe was propitious to our views. For two or three years at least, nearly our whole attention might be directed towards America. If during that period the means at our disposal were exerted with energy, the Americans might be brought to make peace, on terms which we could with safety accede to; and if the differences which had produced this contest, were not now adjusted, they might hereafter be again brought into discussion, under very different circumstances.

The Resolution was then agreed to:

The sum of 2,286,375*l.* was next voted for victualling the navy, and also 1,956,500*l.* for the wear and tear of ships. On the Resolution, that 318,500*l.* be granted for ordnance for the sea service,

Mr. *Whitbread* said, that as a large sum was proposed to be voted for the ordnance of the navy, he wished to know how it happened, as he was informed, that in the vessel in which captain Barclay fought on Lake Erie, there was so great a difference in the calibre of the guns, as to occasion much distress, and be one of the causes which led to the destruction of that squadron? Whether, in contemplation of the war, we should not have had a sufficient force to meet the Americans in the lakes, there would be another opportunity of discussing; but he, for the present, wished to know from the hon. baronet who had taken on himself the management of the affairs of the Admiralty in that House, how this difference in the calibre, in the vessel in question, happened; and whether the Admiralty had not been informed,

in a letter from captain Barclay himself, that so various were the calibres, that he had eight magazines to supply these guns, which were calculated rather to incommode than to defend him?

Sir *G. Warrender* stated, that he knew of no information which had been received by the Admiralty, on the subject alluded to by the hon. gentleman.

Mr. *Whitbread* asked if no letter on the subject had been received from captain Barclay at the Admiralty?

Mr. *Croker* answered this question. Such a letter had been received, in which the variety of the sizes of the guns were complained of; but how this had happened, why such an arrangement was made, or by whose authority the flotilla had been so equipped, was not known at the office.

Mr. *Whitbread* observed, it was odd that the secretary to the Admiralty, who, he understood, was but a servant to the board, should know more than one of the lords of the Admiralty. The Admiralty lord who had brought forward these resolutions, knew nothing at all of the business. He, it appeared, was not so well informed as he (Mr. W.) was. But even the secretary himself did not know how ordnance of such different calibres had chanced to be used on the occasion referred to. It could only be accounted for in this way, by supposing no provision at all had been made by the Admiralty; that captain Barclay had been obliged to get his artillery where he could for that service, which he had gallantly performed, though success had not crowned those exertions which he had made, and judiciously made, in despair. He thought it extraordinary that this letter from captain Barclay had not been produced on his trial. In justice to that gallant officer, whom he considered to be a martyr to his country, it ought then to have been brought forward. He hoped it would shortly be produced.

Sir *Joseph Yorke* wished the attention of the country was more fixed on the Admiralty than it had been, as their conduct would appear the better for being closely inspected. On the subject of the business on Lake Erie, he was disposed to speak out: he would tell the hon. gentleman, that the Admiralty had had nothing to do with it, it had rested entirely with the colonial department. The lord high admiral and the board had had no concern with it whatever. He could easily conceive that it was a very easy thing to con-



denn the Admiralty for that with which they had nothing to do; but he did not hesitate to inform the hon. gentleman who had been so forward in accusing the Admiralty, that he would not exchange his feelings for his, nor his talents, nor his situation, nor his exertions, nor his patience, nor any one thing that belonged to him, for any thing belonging to that hon. gentleman. [A laugh.]

Mr. Croker, adverting to the communication received from the late commander on the lakes, said, that no explanation had been regularly received, but merely a statement contained in a letter. With respect to the observations on what the hon. gentleman termed an odd circumstance, that the secretary should, in any case, be acquainted with that which was not known to one of the lords of the Admiralty, he had to remark, that it was not suprising that he, whose business it was to receive and register letters coming to the Admiralty, should, in some instances, be more conversant with their substance than one of the lords, who had only heard them read over to the board. The ship which captain Barclay had fought, was not a king's-ship; it was not one with which the Admiralty had any thing to do; it was not commissioned by the Admiralty, nor till captain Barclay's letter was received, was it known that he was on board of it. With respect to the equipment of the flotilla, he had only to say, he knew nothing of it. It was not composed of his Majesty's ships, it was not manned by his Majesty's seamen, it was not supplied by his Majesty's ordnance, nor was it at all under the direction of his Majesty's Admiralty. It had been asked, why had not the letter of captain Barclay been produced on his trial? He had only to say, that captain Barclay had been assisted to gain evidence in every possible way before the trial came on; but it was not for the Admiralty to dictate to captain Barclay what line of defence he should take: it was perfectly open for captain Barclay to produce that, or any other letter that he thought fit to bring forward; but it was not the duty of the Admiralty to suggest to him what materials might be of service to him in his defence.

Mr. Whibread, referring to the speech of the last speaker but one, said, he had not proposed to that lord of the Admiralty to change situation, talents, or any thing else with him; and therefore he supposed

they must remain just as they were, and for his part he was very well content that it should be so. He had not addressed himself to any particular lord of the Admiralty, but had spoken generally of the board. He thought there appeared an unusual soreness this session on the part of ministers, and this circumstance would encourage him to persevere in that course of which they complained. Doing this, there would be no ill humour on his part: if it excited ill humour in others, he should nevertheless still do his duty. They had now been informed, that the flotilla on Lake Erie was not his Majesty's, and that it had not been equipped by the Admiralty. He had thought, from the officer having been brought to trial, it must have been otherwise. After all that could be said on the subject, the result was this, ministers had not been prepared for the war in America. It was useless to throw the blame off one department on to the shoulders of another: it came to the same thing in the end, and he was glad he had raised the question.

Mr. Croker repeated the assertion, that the equipment of the flotilla rested with the colonial department. Till after the battle between the American and the Colonial flotilla, government had not received returns of the officers employed.

Mr. Baring, as the hon. secretary had said the Admiralty had nothing to do with the flotilla, wished to ask why the Admiralty had not had a sufficient force on the lakes? Why was Lake Erie left to the defence of what, now it had unfortunately failed, was called the Colonial Flotilla? At the commencement of the war, the Americans were much the same as ourselves on the lakes; now they had beat the English off two of them, and we had little reason to boast of our successes on the third. If the Admiralty had had nothing to do with the business of Lake Erie, they were to blame for not having taken a part in it. Had they kept a proper force on the lakes, that part of Canada now in the possession of the enemy might have been saved.

Mr. Croker said, if the hon. gentleman had been content to wait a few days for information on the subject now referred to, he would have declined giving any answer on the present occasion, and have waited with anxiety, with confidence, and with eagerness, for the day on which a motion, he understood, was to be made respecting this business, that he might have at once

shewn that what had been said to the discredit of the Admiralty, was altogether unfounded. Their proceedings had been grossly misrepresented; and while some invented injurious statements, others endeavoured to give them currency. He thought he had a right to complain, it having been assumed, that because the action on Lake Erie had terminated unfortunately, there was a disposition to throw the blame on the Admiralty, where it was not deserved. If he might be allowed to speak as the organ of the Admiralty in that House, he would affirm, that there was nothing whatever to warrant this assertion. He repeated the declaration, that the Admiralty had not been concerned in fitting out and preparing captain Barclay's flotilla. When the subject was fairly investigated, it would be seen how injurious were the statements which had been in circulation, and how little disposition there was on the part of the Admiralty to recede from their responsibility. The hon. gentleman asked, why were not the Admiralty prepared with a force on the Lakes at the commencement of the war? But the hon. gentleman almost defeated his own argument, by admitting, that when the war broke out, the Americans and the British were in equal strength on the lakes. Assuming this to be correct, would it not have been a profligate waste of the public money to have sent out a force where it was not to be wanted? If government had received information that the Americans were increasing their strength in that quarter, then, he admitted, they would have been guilty of negligence had they not met it by a corresponding increase of the British force; but without such intelligence this conduct would have deserved censure, as a waste of the public money. He was glad the subject would be inquired into. He would at present only say, that any requisitions made from the authorities there were not only met, but in many instances anticipated, and not only to the amount called for, but to treble, and in some instances to more than quadruple the extent thought necessary by the colonial government.

Mr. Baring said, that forbearing to send a force to the lakes till it was known the Americans were about to send one, was the way to ensure discomfiture, as our additional force could not arrive in time. At war with America, the Admiralty

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should have known the American government would not fail to fit out a flotilla on Lake Erie, in furtherance of their views on our possessions, but particularly on Upper Canada. They ought to have foreseen, and to have provided against the danger, whether the requisitions of the colonial government had been anticipated or not. If his information was correct, much that was useless had been sent out, and little that was found useful. If this was the best explanation that could be given, he could not say much for the defence set up by the Admiralty.

Mr. Croker denied, that the explanatory statement he had made had been offered as a defence. He had purposely reserved himself for a time, when, looking at all parts of the transactions which had become objects of attention, he should be able to shew, that all the rumours circulated to the prejudice of the Admiralty were as unfounded as the last statement of the hon. gentleman, that much had been sent out that was useless, but little that was useful. This, on the most satisfactory evidence, he could positively contradict; and he thought he should be able to prove, that all the other reports hostile to the Admiralty were as deeply erroneous.

The Resolution was then agreed to. On the Resolution, "That the sum of two millions be granted to his Majesty, towards paying off and discharging the debt of the navy,"

Mr. Warre said, he had understood that, twelve or fourteen months ago, some ships had been constructed to be sent out in frames to Lake Ontario. He should be glad to hear that the information he had received was incorrect, that on their arrival in the river St. Lawrence they were found totally useless, and sold by public auction.

Mr. Croker admitted it to be perfectly true, that on the advice, and in consequence of a requisition from the admiral in that quarter, and on the information obtained from persons best acquainted with the rivers and waters in that part of America, two frigates and two sloops (without at all putting a stop to the ship building there) were sent out in frames from this country to the river St. Lawrence. This idea had not been taken up by the Admiralty, but in compliance with the requisition of the admiral. The statement that they had been found useless, and sold by public auction, was not at all true. One of them had been carried

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up the river, and he supposed would be launched on Lake Ontario; but as they required great means of transport, it had become a question with sir James Yeo, whether at that time it would not be more convenient to avail himself of other ships then at hand. As nothing would be lost by postponing their conveyance, they had not then been forwarded to Ontario. Whether one of them had not been taken to Lake Champlain, he did not know. No doubt was entertained of their being found most useful; but it was a question at that particular time with sir James Yeo, whether it would not be better to avail himself of other vessels under his command.

Mr. *Whitbread* wished to know if sir James Yeo was the admiral from whom the requisition for ships in frames had been received?

Mr. *Croker* replied, sir James was not an admiral, nor was he the officer who had sent the requisition—it came from admiral sir John Warren; and was complied with, without at all paralysing the exertions then making on the lakes.

Sir *Joseph Yorke* described the vessels sent out to have been of the most useful description, and added, there was no instance in which the Admiralty had not, in every respect, outstepped the demands of the colonial department.

Mr. *Warre* had not meant to criticise the construction of the vessels, which he thought exceedingly proper, but had wished to know if they had reached their destination. He was glad the information he had received proved to be incorrect, that they had not been sold, and that one had been conveyed to Lake Ontario. He hoped the other three would follow with all convenient speed.

The Resolution was agreed to.

The Chancellor of the Exchequer then moved, "That 1,650,000*l.* be granted to his Majesty to discharge the remainder of the bills of credit, or other securities, issued by virtue of the Act of the 54th of his Majesty, intituled, 'An Act for giving effect to certain engagements of his Majesty with the emperor of Russia and the king of Prussia, for furnishing a part of the pecuniary succour for assisting his Majesty's said allies in supporting the expenses of the war with France,' together with the interest due thereon."—Agreed to. The right hon. gentleman next moved, "That the sum of 12,500,000*l.* be granted for the discharge of outstanding Exchequer bills, created under the 54th of his Majesty."

Mr. *Ponsonby* inquired, what was the gross amount, at present, of outstanding Exchequer bills?

The Chancellor of the Exchequer said, the amount would be laid on the table in a few days; he believed it to be about 59,000,000*l.*

Mr. *Ponsonby* observed, that 54,000,000*l.* was the greatest amount of outstanding Exchequer bills he ever before recollected. It would be well, however, when the account was laid before them, if the amount was not found to exceed the right hon. gentleman's calculation.

The motion was then agreed to; as also another granting the sum of 15,000,000*l.* and 10,000,000*l.* for the discharge of the outstanding Exchequer bills issued for the service of the year 1814, charged on the aids of that year outstanding and undischarged.

MONUMENT TO MAJOR-GENERAL ROSS.] The Chancellor of the Exchequer rose, in pursuance of his notice, to call the attention of the House to the merits of a most distinguished officer, who, in the midst of a career of military glory, had fallen in the service of his country—he meant major-general Ross. In the short sketch which he should give of that gallant officer's military life, he did not think it necessary to take up much of the time of the House, because his achievements had been so frequently recorded and acknowledged by parliament, that such a proceeding would be useless: he should only claim their attention to a few of the situations which he had filled till his honourable and brilliant course was closed in death. Passing over the early part of his life, he would commence his remarks by advert- ing to that period when he served in the campaign in Holland; here he served in the capacity of major of the 28th regiment, and first displayed those talents which afterwards shone with such splendour. During this period, in repelling the attacks made upon sir Ralph Abercromby, the 28th regiment took an extraordinary share, and called forth the strongest expressions of approbation from the commander in chief, who had witnessed the conduct of major Ross, which was particularly marked by gallantry and intrepid daring. Towards the close of the action he was severely wounded; and thus, for a time, quitted the path of glory. In 1800, however, he was again in the field, and signalized himself in various occasions

on the shores of the Mediterranean. In the expedition from Sicily to Calabria, he was also conspicuous; and in the battle of Maida, added new laurels to those by which he was already covered. In this battle, the superiority of British arms, and the superiority of British bayonets over the French, which had never since been withstood, was triumphantly manifested. The 28th regiment, on this occasion, by an admirable movement on the flank of the enemy, commenced that discomfiture which ended in a total rout. In 1807 the gallant general returned to England, and accompanied sir John Moore to Portugal, and from thence attended him in the expedition in which that lamented officer met his death. In the battle of Corunna he again distinguished himself; and having returned from thence to Ireland, he embarked for Spain, and placed himself under the command of the duke of Wellington; was with him in the battle of Vittoria, and exhibited such proofs of innate talent, that he was selected to take the separate command of a brigade. He now had new opportunities of displaying the energies of his mind; and in the battle of the Pyrenees, by his extraordinary abilities, drew down the particular thanks of the commander in chief; who, in speaking of major-general Ross's division, said, 'It had distinguished itself beyond all former precedent; it had charged four times, and at each time was headed by the major-general, who had three horses killed under him.' In the attack on St. Sebastian's too, he had borne a full share of the *éclat* which that achievement had gained; and concluded his high and important services in the peninsula by new instances of bravery and unexampled activity in the battle of Orthies, and in the passage of the Neve. At the close of the war with France, he was one of those officers who were dispatched to America; and here, while he brought his renown to the highest pitch, he terminated his transcendent career. In conjunction with admiral Cockburn, he planned that attack upon Washington, which, in defiance of the difficulties which were encountered, and the superiority of the enemy's force, was crowned with success. Major-general Ross was, on this occasion, chosen to retaliate upon the Americans for the outrages which they had committed on the frontiers; and while he inflicted chastisement in a manner to convey, in the fullest sense, the terror of the British arms, the

Americans themselves could not withhold from him the meed of praise, for the temper and moderation with which he executed the task assigned him. The public buildings alone were destroyed, while private property was in every instance respected. The Chancellor of the Exchequer said, he could not help expressing a hope, that this vengeance thus signally inflicted would be the last, and that no aggravation would render a recourse to similar measures necessary. He would also take that opportunity of stating, that instructions had been sent out to the coast of America, to abstain from further inflictions, unless rendered necessary by fresh enormities; an order which he was satisfied general Ross, had he lived, would have felt sincere pleasure in promulgating. A short time after the affair at Washington, an attempt was planned on the city of Baltimore, and here it was that that event occurred which this country could not too much deplore—he meant the death of general Ross, who, while reconnoitring the force he was about to overwhelm, was struck with a rifle ball, and had only time, ere his eyes closed for ever, to recommend to the protection of his country his wife and family, a protection, in the grant of which he (the Chancellor of the Exchequer) was satisfied the nation would feel the most heartfelt satisfaction, [Hear, hear!] and would not fail to take such steps as were not alone gratifying to those tender connections, but honourable to the country, by which the services of the gallant general were so sensibly appreciated. The right hon. gentleman concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, that he would be graciously pleased to give directions that a monument be erected in the Cathedral Church of St. Paul, London, to the memory of major-general Robert Ross, who, having planned with the greatest judgment, and executed with equal valour, decision, and conduct, in concert with his Majesty's naval forces, an enterprize against the city of Washington, the capital of the United States of America, which was crowned with the most complete success, was killed shortly afterwards, while directing an attack, which also proved successful, upon a superior force of the enemy posted near the city of Baltimore; and thus closed an honourable life, while yet at an early age, and in the midst of a course of the most meritorious services to his country, which



deeply laments his loss ; and to assure his Royal Highness, that this House will make good the expense attending the same."

Mr. *Whitshed Keene* apologized for rising a second time on the same evening to offer his sentiments ; but, after an attendance of three score years in that House, he was too well aware of its disposition, to doubt its indulgence. He felt a deep interest in the motion which had just been made, for he had been long and intimately acquainted with the brave officer who was its lamented object. He had known his father, who highly distinguished himself in the campaigns of 1757 and 1758, and under whose immediate instruction this young man, his third son, was brought into his military career. No doubt the House would amply recompense his family for the pecuniary privations they must sustain by his loss ; but it was not in their power to repair the loss which the country had sustained of such a man. He possessed the happy talent of conciliating by his disposition, and instructing by his example : he possessed, indeed, all those private and distinguished qualifications by which alone a commander could acquire the full confidence of his men. His military knowledge was great and complete ; for it had been the result of practice and constant experience ; while his foresight and example in the field were such as to excite the enthusiasm and reverence of those whom he led to victory. It was highly gratifying to the House to hear the details of his successes, which the right hon. gentleman had so interestingly described ; and he was sure that there could be but one feeling on the subject of the motion.

Mr. *Ponsonby* said, it was impossible for any person who had known so much of the character of general Ross as had fallen to his lot to do, to give a silent vote on this occasion. There never lived a man who deserved more, or who had received more of the confidence and affection of those who served under him, than this lamented individual. Whether in the field, or elsewhere, he was alike distinguished for tenderness and gentleness. In private life there never lived a man more distinguished for social virtues, and for all the amabilities of human nature. The right hon. the Chancellor of the Exchequer having intimated, that it was intended to make pecuniary provision for the family of general Ross, he wished to say a few words on that subject. He was desirous of stating, that it was the wish, the ardent

wish, of her who had been dearest to general Ross, to have it understood, that she never sought or expressed a hope, in any way, directly or indirectly, that she or her family should stand chargeable to the country. He mentioned this circumstance, because, perhaps, it might furnish additional reasons for yielding that provision to which every individual must allow the family of general Ross were most eminently entitled. It was impossible to add to the eulogy which had been passed on general Ross : there was one thing, however, which he could not help remarking. He was sorry that the gallant general had been selected as the individual to execute those plans of vengeance, which, he had hoped, had been abolished in civilized warfare. He did not mean to say, that the Americans did not deserve punishment for the outrages of which they had been guilty ; but he was sorry, in one sense, that the execution of that punishment should have fallen to general Ross, as there never lived a man who would have felt more pain in executing such an order, unless impelled by dire necessity. In another sense, he was glad that he was chosen on this occasion, because he believed there was not a man in the British service who would have carried the orders into execution in a manner less injurious, or attended with less mischievous consequences. In conclusion, the right hon. gentleman expressed a hope, that the circumstance of the family of general Ross having never expressed a desire for remuneration, would operate as an additional claim on the liberality of the House.

The *Chancellor of the Exchequer* confirmed the statement of the right hon. gentleman, as to the family of general Ross having abstained from making any demand on the government for remuneration for the severe loss they had sustained, and observed, that he considered this as an additional motive for carrying into effect, in the most liberal manner, the wish expressed by general Ross in his dying moments.

Mr. *Whitbread* said, that as he had animadverted upon the attack of Washington, on a former evening, he thought it proper to declare, that he never meant to cast the slightest blame upon the conduct or character of general Ross. On the contrary, he fully concurred with the sentiments of his right hon. friend, that it was happy for humanity, and the credit of the empire, that the extraordinary order upon

that occasion had been entrusted to an officer of so much moderation and justice.  
Mr. C. Grant, jun. passed a high eulogium on the character of general Ross. He compared his conduct to that of a celebrated conqueror of antiquity, and quoted a passage from Sallust, as applicable to his great talents and humanity. It might be said with great justice of the departed general, that although his country could supply others of equal ability in his place,

yet his name had been made sacred by his bravery and unfortunate end.  
The motion for the Address was then put, and carried *nem. con.*

ABSTRACT OF THE ARMY ESTIMATES, FROM 25th DEC. 1814, TO 24th JUNE 1815.] Lord Palmerston presented the Estimates of the Army Services for 25th December 1814, to 24th June 1815, of which the following is an Abstract :

ABSTRACT of the ESTIMATES of ARMY SERVICES, from 25th December 1814, to 24th June 1815; both days inclusive.

	Numbers.	CHARGE.		
		Great Britain.	Ireland.	Total.
		£.	£.	£.
1.—Land Forces (including various Miscellaneous Services .....	204,386	2,838,235	714,023	3,552,258
2.—Regiments in the East India Company's Territories .....	28,425	443,250	- -	443,250
3.—Troops and Companies for Recruiting Do. ....	367	10,900	- -	10,900
4.—Disembodied Militia.....	- -	170,000	75,000	245,000
5.—Pay of General Officers .....	- -	80,000	5,000	85,000
6.—Staff and Garrisons .....	- -	155,000	45,000	200,000
7.—Full Pay for Supernumerary Officers .....	- -	55,000	5,000	60,000
8.—Public Departments .....	- -	100,000	6,000	106,000
9.—Exchequer Fees .....	- -	70,000	- -	70,000
10.—Half-Pay and Military Allowances .....	- -	200,000	25,000	225,000
11.—In-Pensioners of Chelsea and Kilmainham Hospitals .....	- -	20,000	7,000	27,000
12.—Out-Pensioners of Ditto .....	- -	350,000	50,000	400,000
13.—Widows' Pensions.....	- -	25,000	5,000	30,000
14.—Volunteer Corps .....	- -	50,000	50,000	100,000
15.—Local Militia .....	- -	150,000	- -	150,000
16.—Foreign Corps .....	10,883	237,000	- -	237,000
17.—Royal Military College .....	- -	14,000	- -	14,000
18.—Royal Military Asylum .....	- -	15,000	- -	15,000
19.—Allowances to Retired Chaplains, &c.....	- -	10,000	2,000	12,000
20.—Medicines, and Hospital Expenses .....	- -	50,000	10,000	60,000
21.—Allowances on the Compassionate List, and as of the Royal Bounty .....	- -	25,000	- -	25,000
22.—Commissariat Department, (Ireland) .....	- -	- -	100,000	100,000
23.—Barrack Department, Ireland ...	- -	- -	200,000	200,000
24.—Superannuated Allowances, &c.	- -	5,000	2,500	7,500
	244,061	5,073,385	1,301,523	6,374,908
Deduct the Regiments in the East India Company's Territories.....	28,425	443,250	- -	443,250
Remains .....	215,636	4,630,135	1,301,523	5,931,658

## HOUSE OF LORDS.

*Tuesday, November 15.*

NAVAL ADMINISTRATION.] The Earl of *Darnley* rose, pursuant to notice, to move for certain papers relative to the conduct of the naval department in the course of the American contest. This he did for the purpose of affording an opportunity to the noble viscount at the head of that department, to make good the assertions which he had made in his defence on the first day of the session. A very general opinion prevailed, that blame existed somewhere; and, therefore, it must be desirable for those who had the management of the naval department at home, to have an opportunity of shewing, if they could, that the blame did not rest with them. He could, therefore, hardly anticipate any objection to the motions which he was about to submit to their lordships, especially after the candid and fair manner in which the noble viscount had treated the subject on the first day of the session. First, then, in order to give the noble viscount the opportunity of proving, by official returns, the accuracy of his statements with respect to the number of seamen taken from the Americans in the course of the contest, he should move, "for a return of the number of seamen so taken, specifying the years in which they had been taken respectively." The noble viscount had also made a statement respecting the amount of ships of war taken from the Americans in the course of the present war with America. With respect to the American ships, it was material to observe that their ships had a great advantage over ours of the same class, not only in point of numbers of seamen, but also in the quality of these seamen. The crews on board their ships of war were all prime seamen, while in ours a great proportion, even in the best manned vessels, consisted of landsmen and boys. If this arose from a deficiency of seamen on our side for the various purposes for which they were required, it might be worth while to consider whether a supply might not be procured by putting out of commission a great number of vessels, which, as he understood, though employed, were of very little use; and which, to use the sea-phrase, could neither fight nor run. In order to have the best possible information as to the state of the American ships, he should move for "an account of the number of ships of war taken from the Americans,

or destroyed, in the course of the contest; specifying the number of guns, seamen, and boys on board of each vessel." He should then move for a like account of British ships of war taken or destroyed by the Americans. The noble viscount had stated on the first day of the session, the number of American merchant ships said to have been taken from the Americans; and in order to give him an opportunity of verifying that part of his statement, he should move for "an account of the number of merchant ships taken from the Americans, or destroyed, in the course of the contest, specifying the amount of tonnage of each vessel." The noble viscount had adverted to the rate of insurance during the present war with America, as a criterion by which to judge of the protection afforded to our trade, and the little advantage the Americans had over us in point of captures: but it was not sufficient to ascertain what was the rate of insurance at one or two particular periods; it was requisite that the average rate should be given, calculated upon the time during which the war had continued. He therefore would move for "an account of the average rate of insurance since the commencement of the contest with America." The noble viscount must be aware, that very strong representations had been made to the Admiralty on the subject of convoys. A general impression appeared to prevail, that in this respect the Admiralty had been very deficient, and had returned but unsatisfactory answers to the representations which were made to them on the subject. It was proper that this matter, too, should be brought under the consideration of parliament; and he should therefore move for "copies of the correspondence between the Board of Admiralty and the British merchants, on the subject of convoys, and the protection of trade and the coasts." The noble viscount had stated, on the first day of the session, that all the requisitions for supplies in Canada had been anticipated by double the amount. But, in whatever manner ministers might share the blame with others, it was clear that they were responsible in the first instance; and notwithstanding what had passed last night, he thought it right to move for "an account of the supplies furnished for the armaments on the lakes, the state of the American armaments there at the commencement of the contest, the preparations made on the part of Great Britain to meet them, and

the state of the British armaments at the close of each campaign." There could be no reasonable objection to give this account up to the close of the last campaign. He assured the noble viscount that he should be very happy if the Admiralty could clear themselves, and show that, as far as depended on them, the naval department had been conducted in the best possible manner. But certainly an impression to the contrary very generally prevailed, and therefore it was the more incumbent on the noble viscount to agree to these motions, and to any others that might be necessary for the purposes of full and complete investigation. The noble viscount had candidly expressed his willingness to furnish information and meet inquiry, and he hoped no objection would now be made to the production of the papers for which he was about to move; and for his own part, he promised to proceed in the inquiry with an unprejudiced, impartial, and, if he might so express himself, a judicial mind.

Viscount Melville said, that the noble earl had done him no more than justice, in admitting that he had always professed himself willing to make out the facts which he had stated on the first day of the session. He was ready to give the noble earl every possible information on the subject; and if he objected to any of these motions, it would not be from any wish to withhold any documents or evidence that could throw light on the points to which the attention of their lordships had been called, but because they required information relative to particulars about which no official information could be given. The noble earl had observed, that a very general impression prevailed in the public mind that the Admiralty had not done its duty, especially as far as respected convoys and the protection of trade and the coasts. That representations on that head had been made to the Admiralty, was perfectly well known; but when the noble earl said, that a general impression of a neglect of duty in the Admiralty existed, he was convinced that, as far as regarded those who were best informed on the subject, the noble earl was very much mistaken. Neither their lordships nor the noble earl himself, he presumed, wished him to go into any detail on that head at present: but he should be fully prepared to justify the conduct of the Admiralty when the proper time arrived. Following the example of the noble earl,

he should now say a few words as to each of these motions, without waiting till they were separately put. The first motion was for an account of the number of seamen taken from the Americans in the course of the contest, specifying the years in which they were taken respectively. To this motion he had no objection, with the exception of the last part of it, which could not be made out without extraordinary labour and attention on the part of the office which might be called upon to furnish it. Still, if the noble earl insisted upon it, that, too, might be supplied. With respect to the American ships of war taken and destroyed, he had no objection to that motion. The noble earl had there introduced some observations relative to the manner in which the American ships were manned, compared with the mode in which the crews of the British ships were made up. He had no accurate information as to the method pursued by the Americans, nor as to the number of boys on board their ships, though he had heard something on that subject; but as far as regarded the British ships, it had always been the practice to have a considerable proportion of boys on board the ships of war; and it was a system which ought not to be discontinued, for he was convinced that this was the best source of supply of prime seamen for the navy. The noble earl had also observed, that he understood there were a great number of almost useless vessels in commission, which might be withdrawn, and the men turned over into the more serviceable ships; but the noble earl was very much mistaken, if he imagined that the description of vessels to which he had alluded were useless. Though not employed as cruizers, yet they were very useful on convoys; and the number ought, perhaps, if it were convenient, to be rather increased than diminished. With respect to the motion for an account of the British ships of war taken or destroyed by the Americans, he had no objection to that. The next motion was, for an account of the number of merchant ships taken or destroyed by the Americans, with the number of men and amount of tonnage in each. Here it must be observed, that it was impossible to furnish a regular account of those vessels that had been taken by privateers, of which there were a great number on the American coast. All that could be done was, to present an account of such as had been taken by his Majesty's ships, and 'reported to the Ad-



miralty;' and therefore he proposed to add these words to the motion. This would give the noble earl an advantage upon which he might fairly argue, and he was welcome to that advantage. But he repeated the statements which he had made on the first day of the session as to the number of seamen taken, which admitted of official proof; and also as to the number of vessels of war, of guns, and of merchant ships taken and destroyed, which would be partly proved by official documents; though something must be derived, with respect to the merchant ships, from other sources. The next motion was for a like account of the British merchant ships taken by the Americans. To this he must decidedly object, because there was no office from which it could be furnished. Then followed the motion respecting the rate of insurance, to which he had precisely the same objection: but the noble earl could be at no loss in getting that information from other sources. As to the subject of the Canadian supplies, he had said on a former occasion, that these supplies had been anticipated in double the amount required: but when he said so, he must be understood as speaking of the general supplies; for it was impossible for him to speak with certainty as to each particular requisition. The general statement he adhered to, and was ready to prove; but when he professed himself ready to do so, he did not mean to pledge himself to agree to go into a committee of inquiry, and to hear evidence at the bar. All he meant was, that he would willingly give the noble earl every information possible on the subject; and when that came before the House, it would be for their lordships to judge whether any further proceedings ought to be entered into or adopted. He conceived that this motion respecting the Canadian supplies had better be withdrawn for the present, as their lordships had already agreed to postpone the investigation of the subject. Then, as to copies of the correspondence of the board of Admiralty with merchants on the subject of convoys, it was perfectly impossible to prepare such a mass of papers in any reasonable time. If the noble earl was desirous to have the representations to the Admiralty produced, or any particular paper or papers, these might be furnished; but there was hardly a day on which some correspondence did not take place on the subject of convoys, and the whole would form a mass which

could not be prepared in the course of the present session. He concluded by repeating, that it was his anxious wish to give every information in his power relative to the conduct of the Admiralty, and that he was willing to agree to the motions, with the exceptions and under the limitations which he had stated.

The Earl of *Donoughmore* observed, that a part of what had fallen from the noble viscount suggested to his mind a question or two, which he thought of some importance. He had adverted to the large number of American prisoners, and the larger that number was found to be, the stronger it would make in favour of the noble viscount's case. A part, and he believed no small one, of those prisoners, appeared to be made up of persons serving in our navy as seamen, who were Americans, and who, if they continued, would be under the necessity of fighting against their country; they were therefore discharged, and sent home in our ships as prisoners of war. That measure was wise, as it would be improper to set these men adrift; but if, in the aggregate number stated by the noble viscount, these persons so serving, and who, by a voluntary act of theirs, could have been converted into prisoners of war, were included, it would lessen the number of that class in a two-fold degree, as the amount of prisoners was so much diminished, and an equal number drawn from the effective manning of our ships of war. He trusted, however, the number stated by the noble viscount were *bonâ fide* prisoners of war. The noble viscount had stated, that applications were made respecting convoys every day, and that the bulk was enormous; but it became an important question, what portion of that bulk was formed of complaints on the subject; and he believed no quarter in such a case could be made the object of crimination, but the board of Admiralty. He hoped the attention of parliament would be seriously turned to this particular subject, as he believed that the honour and character of the British navy had been much tarnished by the unfortunate occurrences on the coast of America.

Viscount *Melville* spoke in explanation, and in the first place with regard to the point of the individuals who had been in our service, and discharged on the ground alluded to by the noble earl, whether these persons were included in the account or not. He had to observe, that the account was furnished from the Transport-office,

and he believed it would appear that such persons were not included. But possibly they might; and he wished not to be understood as speaking positively to the point. But he could assure the noble earl their numbers did not make a very material difference; and when the aggregate number of the whole prisoners was taken at 50,000 seamen, he was assured the proportion of these persons was not of considerable magnitude, he meant of those who were actually placed in a state of confinement. Those seamen who had been pressed, of that country, were released and sent home; and those who had entered voluntarily, were discharged, on giving some proofs that they were of that description; but at all events, the numbers of such persons ought to be produced. The next point adverted to by the noble earl, respected the question of the representations made to the board of Admiralty on the subject of convoy: the applications were made in the common course of business; and with respect to the correspondence that took place, he could assure him the proportion of complaints was small, and that they were few in number; and he pledged himself distinctly, that when noble lords should come to the consideration of that question, to satisfy them that these complaints were without foundation.

The Earl of *Darnley*, in the course of a short reply, stated, that relying on the disposition of the noble viscount to afford every information on the subject which he thought he consistently could, he had no objection to leave the words adverted to by him out of the particular motions, nor to the alteration or narrowing of the others, as suggested. These admissions were made by him, on the understanding that the productions in question were a preliminary to subsequent inquiries upon the subject to which they referred.

The motions were so amended, and the documents ordered to be produced accordingly.

## HOUSE OF COMMONS.

*Tuesday, November 15.*

ACCOUNT OF DISTRIBUTION OF VOTE OF CREDIT.] Mr. Arbuthnot presented to the House, pursuant to their order, the following

Account of the Distribution of the Vote of Credit, for the Service of the Year 1814.

(VOL. XXIX.)

Issued to the Treasurer of the	£.
Navy .....	1,814,500
To the Paymaster of the Forces	808,000
	<hr/>
	2,622,500
Remains unissued .....	377,500
	<hr/>
	£.3,000,000
	<hr/>

C. ARBUTHNOT.

Whitehall, Treasury Chambers,  
14 November, 1814.

SEAMEN AND MARINES' PENSION BILL.] On the motion of Mr. Croker, for the House to go into a committee on the Seamen and Marines' Pension Bill;

Mr. *Banks* wished to know what was intended to be done for those persons who, as officers on the establishment of the chest at Chatham, were likely to be removed by the operation of this Bill; and whether they were to be rewarded if dismissed, and others to be sought for to fill their places, who were entirely new to the concern? If these questions were not satisfactorily answered, it was his intention to move for a list of the names, situations, and allowances of the persons whose offices were intended to be abolished by the said Act.

Mr. *Croker* could not but admit that the interference of the hon. gentleman was perfectly just and natural. He had, however, already prepared a clause respecting these offices; and he had no objection to state, that it was not intended to make any new appointment, or to introduce any new person, but to take them from the chest at Chatham, and place them in the hospital at Greenwich.

Sir *C. Pole* was glad to hear that it was not the intention to dismiss those persons, who were mostly old officers, with a small salary for their services. But if there were to be any new appointments, he hoped they would not include a treasurer, or paymaster, to have the public money in his hands; as the sums which had accrued to this establishment, in the course of the last few years, were considerable. He hoped that at least, if there were such an appointment, sufficient security would be required; and that the funds would not, as at another public institution, the Asylum, be left in the power of an individual.

Mr. *Croker* explained, that the main object of the Bill, as he had said on a former evening, was to consolidate the

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two establishments. The alarm of the gallant admiral respecting the dismissal of the officers, was altogether unfounded. As to the paymaster, it was not intended to be a new appointment; but this officer on the old establishment would be the present accountant of the chest, without having any thing to do whatever with the funds of the hospital. As to the Asylum, the gallant admiral, as well as himself, being a governor of that excellent institution, must know that neither the board of Admiralty nor the House of Parliament had any thing to do with its internal management.

The Bill went through the committee, and was ordered to be reported to-morrow.

SEPARATE ARTICLE TO THE TREATY OF STOCKHOLM.] The Chancellor of the Exchequer presented the following

Separate and Additional Article to the Treaty of Stockholm, of March 3, 1813, signed at Leipsic, on the 22nd of October 1813.

"His royal highness the Prince Regent consents, that for the maintenance of the Swedish army upon the continent, to the number stipulated in the first article of the Treaty of Stockholm, of the 3rd of March, 1813, the sum of 1,200,000*l.* sterling shall be paid to his majesty the king of Sweden, in equal payments of 100,000*l.* sterling, from month to month, till the completion of twelve months, and so long as the Swedish army shall remain on the continent, in consequence of the mutual engagements of the two high contracting parties.

"These payments shall be made in London on the 25th of each month, to commence from the 25th of the present month of October, to a Swedish agent, properly named and authorized to that effect, on the part of his majesty the king of Sweden; and in case the Swedish army should return home before the twelve months shall have expired, the two high contracting parties shall amicably agree as to the amount of the sum to be stipulated for their return to Sweden."

MOTION FOR PAPERS RELATING TO SPAIN.] Mr. Baring, before he made the motion of which he had given notice, wished to know, with reference to the power reserved by his Majesty in his treaty with the allied powers, of furnishing either his contingent of troops or a

commutation, whether any such commutation had actually taken place?

The *Chancellor of the Exchequer* replied, that no commutation had taken place, and that all the arrangements relative thereto would be made by his noble friend at Vienna.

Mr. Tierney inquired whether we had actually 75,000 troops on the continent?

The *Chancellor of the Exchequer* observed, that it would be extremely improper in him to state what was the actual amount of British force at present on the continent. At no distant period the whole of the arrangements on that subject would be before parliament.

Mr. Baring confessed his surprise at the kind of arrangement which had already taken place. By the treaty between his Majesty and the other allied powers, each power was to keep up a force on the continent of 75,000 men. Now, it was well known that Austria, Russia, and Prussia, would each keep up a force of double that number, without any stipulation whatever. The agreement was, therefore, though burthensome to us, not at all so to them. It was, in fact, nothing more than an excuse on the part of our government to pay money — a practically subsidiary treaty with the continental states. To conclude a treaty by which Austria would be bound to maintain, as well as ourselves, ten ships of the line, and then to claim a commutation from Austria for not fulfilling her part of the engagement, would not be more absurd than to conclude a treaty, by which we bound ourselves, as well as Austria, to maintain 75,000 men, when we knew that we could not, and that Austria must do so. The subject, however, to which he rose for the purpose of calling the attention of the House, was the production of the papers, which would shew the management of the subsidiary agreement between Great Britain and Spain. Our government had for some years, under the cover of a vote of credit, been in the habit of occasionally sending money to the court of Spain, without any intimation to parliament. Such conduct was extremely improper and disrespectful to that House. From what had fallen from his Majesty's ministers, it appeared that certain sums had been paid to the court of Spain at a period so late as to be subsequent to the treaty of peace at Paris, and to the restoration of the present government of Spain. It was also further known, that during the prosecution of the war,

large sums had been advanced to the court, which was in consequence considerably indebted to this country. The papers for which he was about to move, would ascertain what agreement had been entered into with the court of Spain subsequently to the treaty of Paris, and to the restoration of Ferdinand the 7th, as well as the amount due from the Spanish to the British government at the same time. The circumstances of the transaction, which these papers would tend to elucidate, were, in his opinion, most extraordinary. Had it been necessary, in case of emergency, to assist the Spanish government in bringing any of their troops into activity against a common enemy, he would have been the last man to object to such a proceeding; but if it should appear (as he was inclined to think it would appear), that at the time when the war in Spain was at an end, when the troops were marching to their own homes, when Ferdinand had returned to his capital, and when every thing was perfectly quiet, his Majesty's government authorized the payment to the court of Spain of considerable sums, although that court was largely indebted to Great Britain; he was persuaded that this country would condemn their conduct, and that they would decidedly pronounce, that in any settlement with the court of Spain under such circumstances, and taking into consideration all the attendant events, if we had strictly fulfilled our engagements, and no more—if we had paid what was due, that would have been quite enough. He was the more anxious that this subject should receive all the explanation which it was possible to give, because, according to all the private accounts from Spain and from France, it was the general opinion in those countries, that the court of Spain, in their late transactions, had been supported and encouraged by the ministers of this country. This was an imputation from which he was sure the House would be solicitous that his Majesty's ministers should have an opportunity of justifying themselves. Unquestionably, no government had a right to interfere with the private arrangements of any other country. But if ever there was a strong temptation to forget the maxims of policy and prudence, it was in the case of Spain; the more so because, unfortunately, notwithstanding the glorious and successful efforts which had been made in that country against the aggressions of France, those

efforts had terminated in setting up a government whose policy he would not denominate, and of which he would not even venture to trust himself to speak. The first act of that government was that of hostility to our commerce; and the papers which it was his wish should be produced, would shew whether that act took place before or after the payment of the last sum remitted to the Spanish court by the British government; it would shew whether the former waited to squeeze from us the last sixpence before it manifested its enmity. The hon. gentleman concluded by reading the following Resolutions, and moving the first of them, viz: "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to order that there be laid before the House, a copy of any agreement entered into between sir Henry Wellesley and the Spanish government, for the payment of any money, by subsidy or otherwise, to the said government, since the conclusion of the treaty of Paris. 2. That there be laid before the House, an account of all sums of money that have been actually paid to the Spanish government since the restoration of Ferdinand the 7th, and of the dates of such payments. 3. Also an account of the sums at present due by the Spanish government to this country, as far as the same can be made up."

Mr. *Wellesley Pole* expressed his astonishment at the remarks with which the hon. gentleman had commenced his address. The hon. gentleman seemed to think, that a new principle had been adopted in the treaty entered into with the allied powers, and to consider that our agreement to maintain, in common with them, 75,000 troops on the continent, or to pay their equivalent, was a pretext to squander the public money. The principle of that treaty, however, was precisely the same as that of all other treaties of a similar nature; namely, that the contracting parties should, in one way or another, be equally burthened. He was still more astonished to hear the hon. gentleman say, that parliament had not been informed of the existence of these stipulations. His memory perfectly failed him, if lord Castlereagh had not last year stated the precise principle on which the treaty was grounded, and had not added, that the money to be paid would be covered by the vote of credit. But these were



points on which the hon. gentleman had but cursorily touched. His main argument related to what he was pleased to call the subsidy paid to the Spanish government without the knowledge of parliament. When the hon. gentleman heard the facts, it was to be hoped he would confess his error. So far from any money being paid to Spain which it was not in the contemplation of parliament to pay, the very sum alluded to by the hon. gentleman, was part of the million voted last year (as it had been voted for several years) to Spain, to enable her to employ and pay her army. This money had been throughout the war issued to the Spanish government, if, after consultation with our ambassador and commander in chief, they thought it would be properly expended. When the war was ended, it became necessary to assist the Spanish government with money to enable their troops to return to their respective homes. The sum, the payment of which was complained of by the hon. gentleman, was a two months instalment of the million voted by parliament, and was paid on the representation of its necessity. It was, therefore, by no means to be considered in the nature of a new subsidy. 'But,' said the hon. gentleman, 'why pay this money at a time when the court of Spain owed you so large a sum?' How did the fact stand? When the central government was established in Spain, it was notified to them by the British government, that although the million a year was paid to them for the purpose of assisting them in their exertions by the purchase of arms, warlike stores, &c. yet that the British government expected that, at the conclusion of the war, the long pending accounts between the two countries should be made up. Now, he would ask if it was possible to wind up those accounts at the period adverted to? What would have been said had the British government told that of Spain, 'Dismiss your troops; we know you have not the means of enabling them to return to their homes; but do not expect a shilling from us; and prepare instantly to pay us all you owe?' At that time Ferdinand 7 had been but three or four weeks on the throne, and it was notorious had not the power to release himself from his pecuniary obligation to this country. The hon. gentleman, had, however, concluded his speech with some observations, which astonished him more than all the rest.

He had said, that there was a strong suspicion, or at least a general belief, that all the imprudence, and injustice, and tyranny of the Spanish government, was instigated by this country.—[No! no! from Mr. Baring.] Did not the hon. gentleman say that it was believed the Spanish government had been supported in their recent acts by British authority? [No! from Mr. Baring.]—Did the hon. gentleman then mean to admit that his Majesty's ministers were incapable of instigating the acts which he had described? If so, then he had perfectly mistaken him; he begged his pardon, and the dispute between them on that topic was at an end.

Mr. Baring said, that he certainly never intended to impute to the British government that they had instigated the court of Spain to the commission of the acts of which they had recently been guilty. What he had said was, that it was the opinion of many persons on the continent, that the king of Spain had been encouraged generally to get rid of the popular part of his government, and to revert to the ancient system.

Mr. Wellesley Pole observed, that if he understood the hon. gentleman correctly, the charge was not as he had originally supposed, but that his Majesty's ministers had induced the Spanish government to return to the old state of things, and to deprive the Spanish people of all political liberty. This he most positively denied: he gave it his most unqualified denial. Perfectly agreeing with the hon. gentleman, that it was unjustifiable to interfere with the internal concerns of a foreign government, he would add, that if interference could by possibility be excused, it would be in a case in which it was directed to the amelioration and not to the deterioration of the condition of the people. As to the motion of the hon. gentleman, as his right hon. friend near him had intimated his intention of laying on the table a paper explanatory of the subject, he should move the previous question upon it.

Mr. Whitbread inquired the nature of the paper which the right hon. gentleman opposite intended to lay before the House.

Mr. Wellesley Pole read it. It was an extract of a dispatch from lord Castlereagh to Sir Henry Wellesley, dated the 30th of July, 1814, directing the payment of a two months instalment of the subsidy to the Spanish government.

Mr. Whitbread contended, that this

paper did not comprehend all the information, of which it was necessary that the House should be in possession. It appeared by it, that sir Henry Wellesley had previously issued a sum of money to the Spanish court. It was the agreement to do this for which his hon. friend had moved. The dispatch of the noble lord was dated the 30th of last July. It was very extraordinary that an advance should be made to the Spanish government so long after the conclusion of the treaty of Paris. This would be more evident, if the situation of the Spanish armies was considered at the time that this advance had been made. There were at that time four Spanish armies embodied; three in Spain, the fourth, consisting of 14 or 15,000 men, serving under the duke of Wellington at Toulouse. When the British government issued money to any foreign power for a particular purpose, it was the duty of the person through whose hands the money passed, to see that it was faithfully applied to the object for which it was intended. This, however, was far from having been the case; as he had been informed through those channels to which (his Majesty's ministers refusing to open any other) he had been obliged to resort, namely, newspapers, gazettes, and other sources of public information, which the court of Spain, in common with all other despotic governments, appeared willing, if they could, utterly to extinguish; well knowing that as long as a press tolerably free and well informed continued to exist in any country, it was impossible that the people of that country should be wholly broken down and subjugated. He would state what he had heard of the situation of the Spanish troops in France returning to their own country. So far were they from having been supported by the Spanish commissariat, (for which pretended purpose the money was advanced by this country), that they were actually fed by the British commissariat, because they must otherwise have starved! With respect to the Spanish troops in Spain, he wished to ask whether the money which had been advanced by the British government, had not been employed by the Spanish government for the purpose of marching an army under general Elío to Madrid, in order to extinguish all that existed of freedom in Spain? If that should turn out to have been the fact, it was a deed abhorrent from every English feeling, and an intentional concurrence in

which he would not attribute to any man. But certainly he had been informed, that had it not been for British money, that army would have been unable to march—the Spanish government then existing would not have been subverted—and the unhappy Spaniards, who had fought for and maintained the rights of their ungrateful monarch, would not have been sent into exile and to the galleys, a memorable example of the base ingratitude of sovereigns to their people. It was a remarkable fact, that the English ambassador was actually with general Elío and the army which enabled the king of Spain to change the government. [An expression of dissent from the treasury bench.]. Was it not so? He had been informed that it was. It was also rumoured that officers bearing British commissions were with that army. At any rate, it appeared that, by the payment of our money, we had not contributed to the quiet return of the Spanish troops to their respective homes, but had indirectly interfered with the internal government of Spain, and that with consequences which were all but sufficient to warrant a violation, in another way, of the principle which he contended ought to be invariably preserved on that subject. These circumstances demanded a fuller explanation than the paper offered by the right hon. gentleman would afford; although he by no means accused the government of this country, or any man in it, of being base enough to assist in the commission of the atrocities which had been perpetrated in Spain, and he therefore thought his hon. friend bound to press his motion.

Mr. Robinson said, the observations of the hon. gentleman who spoke last seemed to him to have proceeded on a mistake with regard to time. The fact was, that king Ferdinand entered Spain before the treaty of Paris was signed, even before the Convention of the 23d of April, and consequently any sums paid to him on the principle of the advances from this country to the Spanish government, must have been made in the early part of the year. Sir Henry Wellesley was, undoubtedly, present with the king when he entered the kingdom. At that time it was impossible for any one to suppose that he had any intention of overturning the government. No one then knew that he intended to go to Madrid instead of proceeding to Valencia. It would not be denied, that, when the king came, he was thenceforward the

the possession of a foreign power, and persons of a similar description were not given up at our requisition? He would ask from what government, except when stipulated by special treaty, were persons accused of crimes given up when reclaimed? He had even been told, that in Gibraltar murderers had often not been delivered up on being reclaimed; and that it had been stated that they were considered as under the protection of the British law. It would not make any thing in favour of general Smith or sir James Duff, that one of these men had made use of calumnious expressions against the British forces at St. Sebastian. Libellers, when tried in this country, were often severely, and a great deal too severely punished; but persons accused of libels, flying from the persecuting vengeance of Spain, even though one of them had calumniated the English army, could not in any view of the case be considered as persons whom the governor of Gibraltar ought to have given up, and the conduct of general Smith was therefore wholly without excuse. With respect to the other of these two men, the right hon. gentleman did not know of what he was accused. They did not hear that the slightest order had been sent to sir James Duff not to repeat this conduct, general Smith had been simply told not to do so in future! These two unfortunate persons were now exposed to the vengeance of the Spanish government, in consequence of the instrumentality of two British officers, neither of whom had any right to interfere. [Hear, hear!] These two persons were in the dungeon of the Spanish government, which had been so well characterized by a gentleman, a near relation of the ambassador in this country. It was impossible to suppose that any human being in this country would countenance the wicked proceedings of the Spanish government; and yet our civil and military officers had not only not refused to deliver these men up, but had even lent themselves in aid of that government. All this, too, had been kept so secret in the colonial department, that the coadjutors of the noble lord (Bathurst) knew nothing of it from the 30th of June to this day. The letter of governor Smith should be made the foundation of some proceeding; and he hoped his hon. friend would think proper to move that copies of the correspondence between general Smith and lord Bathurst be laid on the table.

Mr. Bathurst contended, that the hon.

gentleman had proceeded further in his animadversions than any thing in the circumstances of the case would warrant. The governor had acted in conformity to what he conceived to be the invariable custom and practice of the garrison, which was to deliver up all criminals who had taken refuge there. In cases of persons who were pursued for crimes or acts of moral turpitude, the rule was certainly a good one; but doubts might be entertained whether it ought to be extended to other instances; and whether persons, merely guilty of libels or sedition, ought to be delivered up. In this view, his Majesty's ministers had considered that the governor of Gibraltar had, in surrendering to the Spanish government the two individuals in question, violated the spirit of his instructions; and had therefore ordered him to desist from such a practice in future, in terms which marked their reprehension of his conduct.

Mr. Baring said, that on looking to the letter of lord Castlereagh, it would be found that the payment to the Spanish government could not have been made till three or four months after the 23rd of April. Lord Castlereagh's instructions were dated 30th of July, and they could not have been executed till deep in the month of August. If this payment was made after all the different troops had arrived in their different villages and districts, it could be attended only with the operation of aiding the Spanish government in the designs against its subjects. When the date of the payment was attended to, he saw no reason why our claims against the court of Spain should not have been set off against it. He should consent to withdraw the first motion, contenting himself with the second and third.

Mr. Warre, in justification of the conduct of sir James Duff, which had been condemned by an hon. gentleman, said, that he had merely written to the governor of Gibraltar to state, that the persons who had taken refuge in the garrison were not persons whom it would be proper to allow to remain there. He had given no instructions, however, that these persons should be given up to the court of Spain. Under these circumstances, so far was he from considering sir James Duff reprehensible, that he thought his conduct was much to be commended.

Mr. Whitbread. Instead of being commended, sir James Duff should be se-

verely reprimanded for the part he took, as he could only know through the medium of the Spanish governor of Cadiz, that these persons had taken refuge in Gibraltar, whither they had been traced for the purposes of persecution.

Mr. Warre repeated, that he had stated correctly the manner in which sir James Duff had acted, which was far from being questionable.

The *Chancellor of the Exchequer* concurred in the view taken of sir James Duff's conduct by the hon. gentleman who had spoken last.

Mr. Whibbread. Will the right hon. gentleman consent to give up the letter of sir James Duff, and that of lord Bathurst to general Smith?

The *Chancellor of the Exchequer*. I do not think that would be advisable.

Mr. Baring then withdrew his first motion. After which the following were agreed to: 1. "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, extract of a dispatch from lord viscount Castlereagh to sir Henry Wellesley, dated the 30th of July 1814, together with the date of the dispatch of sir Henry Wellesley, to which the same is an answer. 2. That there be laid before this House, an account of all monies that have been paid to the Spanish government since the restoration of king Ferdinand, and of the dates of each payment, so far as the same can be made up. 3. A statement of the amount of the sums of money at present due by the Spanish government to this country, so far as the same can be made up."

MOTION FOR PAPERS RELATING TO THE CIVIL LIST EXPENDITURE.] Mr. Tierney rose, in pursuance of his notice, to move for certain papers respecting the Civil List Expenditure, to the production of which he saw no objection. He should make his motion as a motion of course, and reserve any thing he had to say till he understood the grounds upon which opposition, if any, was given to his motion. The right hon. gentleman then moved, "That there should be laid before the House, 1. An account of all charges on the civil list, from the 10th of October 1813, to the 10th of October 1814. 2. An account of the sums applied to the civil list revenue during the same period: and 3. An account of the expenses incur-

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red in his Majesty's household, from the 5th of July to the 10th of October, 1814."

The *Chancellor of the Exchequer* observed, that the course now pursued by the right hon. gentleman was so wholly foreign to the usual practice of the House, that he believed there was not on record a single instance in which the House had called for such accounts, except after some previous steps taken by the crown, either in the Speech at the commencement of the session, or in a subsequent message to that House. The act of parliament, which passed about ten years ago, had indeed provided, that whenever the charge should exceed a certain sum, the accounts should be submitted to parliamentary inspection. It was impossible, however, that these accounts should be made up, or the precise amount of the excess ascertained, before the current year should have elapsed. The first quarter subsequent to the last settlement, on removing the restrictions from the Prince Regent's authority, expired in April; and the annual accounts had, of course, since closed, on the 5th day of that month. He knew no reason, nor could he divine what grounds the right hon. gentleman was prepared to state, for now departing from what had been the unvaried and constant practice of the House in reference to this subject. It was not for him to set forth the public inconvenience and delay that must result from the establishment of a different rule: it was for the right hon. gentleman who proposed the deviation, to convince the House of the advantages to be derived from it.

Mr. Tierney said, he had not the slightest objection to state to the House the reasons which had induced him to recommend this proceeding to them. In the first place, he must remark, that the practice alluded to was a practice dictated by no general rule or standing order, and which had, therefore, grown up, because it had never been before discovered to be inconvenient. Now he could easily conceive, that it was a very proper and convenient practice to be pursued, when there happened to be no excess of expenditure on the civil list for forty or fifty years together: but when the case had been so lamentably altered of late years, when the civil list had broken through every attempt to guard it against confusion, and when it had become a mere mockery to call it an agreement between parliament and the crown, was he to be precluded

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from all inquiry into its new and growing burthens? The state of that civil list, even as regulated by act of parliament, was a curious one. When the restrictions were taken off the Prince Regent, parliament had recognized, but without justifying, a large excess of arrears in that branch of the public expenditure. The accounts then shewed, upon an average of the preceding seven years, an annual excess of 124,000*l.* This excess, Mr. Perceval, for reasons best known to himself, instead of fairly meeting, thought fit, and the House, notwithstanding his objections, thought fit to agree with him, to recognize by an act of parliament, in providing, that if there should be any subsequent excess beyond this average excess of 124,000*l.*, though it should be no more than 10,000*l.*, parliament should be immediately acquainted with it. And thus it was, that they had since remained entirely in the dark: at least, however, he was not inconsistent in now endeavouring to let in a little light upon this subject. What was now the case? The last two years abundantly shewed that the crown had taken full advantage of that Act, and that arrears had accumulated till they amounted, not to 124,000*l.*, but to 224,000*l.* Under these circumstances, was it to exceed his duty, as a member of parliament, to ask the House to look into this affair in good time, whilst they had it yet in their power to check the evil, rather than wait, in order to know the whole extent of their calamity at once? Had nothing occurred in the last quarter which ought to put them on their guard? He regretted that a noble earl was not present (Yarmouth), who had, on a former occasion, spoken as the representative of the Lord Chamberlain's department. That noble lord had then distinctly said, that the Lord Chamberlain did not hold himself responsible in any manner for the expenditure of his department. It thus appeared, that there was a great officer appointed by the crown, and over whose administration of his office ministers had no control. [Murmurs from the Treasury bench.] This was quite a matter of recollection, and he must be permitted to set his memory against that of the right hon. gentlemen opposite to him. Was it to be wondered at, if there should be confusion in a department in which there was no responsibility, and over which there was no control? When he now wished to know what was the actual over the estimated

excess, and was told that he must wait till April, would the right hon. the Chancellor of the Exchequer assure him that the excess at that time would probably not amount to more than 10,000*l.*? If he would, he should remain satisfied, and give the House no farther trouble. But the right hon. gentleman, he knew, would say no such thing. Would he say, that rumour was not a sufficient ground for such a motion as the present? He affirmed that it was; but a ground to be taken at the discretion of the member. He did not mean every vague or casual rumour; but such a rumour as amounted to a settled belief in the public mind that there were great and increased outgoings in the expenditure of the crown. He was for a timely application of parliamentary interference; he was against suffering the evil to go its full length. Did the right hon. gentleman doubt that projects of profuse expense were in contemplation? Had he heard of no plan for a superb palace? And was this a time, with such a view of their financial situation as he had the day before disclosed to them, for the construction of superb palaces? If the Regent did entertain these schemes of costly magnificence, it was the duty of the House to the country, who must pay for the whole, to interfere, and prevent their execution. The right hon. gentleman must have recollected, that there was an account last session of the expense of what was called a cottage, in Windsor Great Park, which then amounted to 33,000*l.* He should wish to see from the accounts what it was at present. Was he misinformed that, to prevent the greater project of which he had spoken, and which was now in contemplation, from being carried into effect, the right hon. gentleman had tried representations and every thing else—except resignation? A rumour of such an addition to the great, growing, and oppressive burthens on the finances of the country, was a sufficient ground for the production of the accounts demanded. Then as to ambassadors. The right hon. the Chancellor of the Exchequer had told the House that he would in future be cautious of introducing fresh persons into diplomatic employments, that the country might not be burthened with pensions: but had he not, in the case of all the persons appointed since that time, departed from his promise—in the instances of sir Charles Stewart, lords Clancarty and Aberdeen, all of whom had never before

been out of the country in diplomatic characters? They would see, on the production of the accounts, whether the enormous appointment of the ambassador at the court of Lisbon was increased, and to what amount, by the expenses of outfit. We should then see the expense of the plate with which Mr. Canning was to be furnished. The House would also see, if the accounts of the civil list were investigated, how the 36,000*l.* to be given for a house at Paris for lord Wellington was to be paid. The present state of affairs in France was not, surely, one in which any one would chuse to invest money in houses. It was true, he had heard that 2,000*l.* a year was to be paid as the interest of the purchase money out of his grace's salary; but mean time, where was the principal to come from? As to the production of the accounts being opposed, on the ground of the time being improper, the case was this: the Act stated that the accounts should be produced within a month after the expiration of the year in which the excess might take place. Now, the Act happened to pass in February, and the year did not expire till the 5th of April, nor the month after, till the 5th of May; so that the accounts could never be got in any session in time to make any comments on them, unless it was the good pleasure of his Majesty's ministers. Why he should not in the present year have a plain statement delivered in, he did not see. He had shewn grounds for demanding the accounts; he had stated good reasons for believing that the additional sum of 124,000*l.* allowed by the last Act would be exceeded, especially if the project he had alluded to were persisted in. If the accounts were not often looked into, it would be at last indispensably necessary to appoint a committee, and to come to some specific resolution to what sum the seven heads of expenditures, called the seven classes of the civil list, should be permitted to amount. The sum allotted by parliament to defray the charges of the civil list was 1,030,000*l.* The amount of the expenditure last year was 1,349,000*l.*; and if the accounts were delivered to them, they would see that the expense of the present year was much more. The civil list appeared to have increased every time that an account was delivered to the House on the subject; and if there was not an inquiry to sift the subject to the bottom, there would be such a feeling excited

against the expenditure of the crown, as no person would wish to see exist. The House should shew the country in time that there was a power which could control the expenditure of the crown; that they had their prerogatives as well as the crown, and would protect the people from the consequences of the profuseness of their rulers. If the motion which he had made was not carried, it would be a mockery in future to attempt any thing in the way of economy.

The *Chancellor of the Exchequer* was of opinion that the right hon. gentleman had utterly failed in assigning any reasons for warranting a departure from that course which had been hitherto found advantageous in the conduct of the public business. He was free to admit to the right hon. gentleman, that he had no hopes of being able, at the expiration of the year, to show any reduction in this branch of the expenditure. On the contrary, he believed there would be found a considerable excess. All the due information would be submitted, according to the provisions of the Act, in a short time. [Here Mr. Tierney said, that a short time would satisfy him.] He did not mean before the expiration of the year, when the accounts were made up. He certainly did think that once a year was often enough to bring this subject into public discussion. The time, however, having been fixed by parliament, it was still more unadvisable to introduce a new practice. As to new projects of expenditure, and new edifices on a large scale, he agreed with the right hon. gentleman, that if any such plans were in contemplation, they were most unreasonable, and must necessarily require the previous sanction of parliament, who alone could authorize them. He could further assure the right hon. gentleman, that whenever the time should arrive, when his resignation should be necessary for marking his opinion upon such projects, he should not hesitate to take that step (hear!) No one, he believed, would advise such an undertaking in the present state of the finances; and as it was impossible that it could be carried on but by funds provided by parliament, a previous application to that House would be absolutely necessary. The right hon. mover having been mistaken with respect to the rumour he had mentioned, had failed in the only strong ground he had stated for the production of the accounts. He should, however, shortly advert to the expense of

the diplomatic department. The diplomatic establishments not forming part of the regal splendour of the crown, had increased from causes to which he had called the attention of the House. Indeed, as he had before explained, the increase of the civil list expenditure had rather arisen from political circumstances, than from any excess in the expenses of the household. The appointments of sir Charles Stewart and lord Clancarty were of a temporary nature, and took place on unexpected occasions. They entailed upon the country no pensions or after-burthens; and the only satisfaction enjoyed by those persons, was the consciousness of having served their country in a splendid, difficult, and unprofitable department. The right hon. gentleman had fallen into one gross misconception, which he was happy to have an opportunity to rectify, relative to Mr Canning's mission to Lisbon. The suggestion that he had hastened his departure in order to screen himself from attack, could have very little weight, as there was no place where his right hon. friend could be more ready to appear than in that House. But it was said, that the mission was of too splendid a character. The facts of the case were these: it had become necessary to relieve sir Charles Stewart from this situation, and Mr. Sydenham was appointed his successor. The latter gentleman soon implored to be removed, on account of the state of his health. It surely, then, could not be improper under these circumstances, at a time when the Prince Regent of Portugal was about to return to his ancient territory, which had been defended by British valour in his absence, protected in his passage by a British fleet, allied to British interests, and dependent on our power, to appoint a splendid mission to congratulate him on his return. If this was a proper proceeding, there could, he thought, be no objection to the selection of the individual appointed for this purpose. With respect to the house purchased for the duke of Wellington, it must be the wish of all that he should be respectably lodged; and that the money was in this case well laid out, was the opinion of the persons consulted, and among them the duke of Wellington himself. It had been deemed a more convenient, splendid, and eligible residence than any other house to be found in Paris. The purchase-money was to be paid within the term of four years. Upon the whole view of the right hon. gentle-

man's speech, he was satisfied that no peculiar circumstances or considerations of sufficient weight had been stated to convince the House that there existed any necessity for departing from the course hitherto observed, and now sanctioned by an act of parliament.

Mr. Tierney observed, that the material rumour stated by him, had been verified by the right hon. the Chancellor of the Exchequer, namely, that there would be an excess of expenditure in the civil list. Should parliament, he would ask, enter on the question of the civil list expenditure at the present time, or wait till all the members were going out of town? As to the purchase of the house at Paris, never was money more foolishly and extravagantly bestowed. The purchase-money, it was said, was to be paid in four annual instalments. Now here was a sum of 9,000*l.* extraordinary to be paid in the present year, which alone almost amounted to the sum; in the event of the expenditure of which, in addition to the ordinary expenses, the accounts were to be laid before parliament. As interest of the purchase-money, all future ambassadors were saddled with 2,000*l.* a year house-rent, a good pretence for extraordinary expenses. The subject of house-rent in Paris, since he had recently been there, was one of the few things on which he was better informed than the right hon. the Chancellor of the Exchequer; and he would state, that if there was one house in Paris which would fetch 2,000*l.* a year, he would pay for it himself. However, without differing about a few hundred pounds, the investing so large a sum in a house in Paris, at present, was most improvident. As to the mission to Lisbon, he had not stated that the outfit of the ambassador was more expensive than usual, but that the appointment, which was too large, would be increased by the outfit. The Chancellor of the Exchequer had begun to defend the appointment of Mr. Canning, as if he had laboured to communicate some new information; but he had only stated, that Mr. Sydenham wished to return to this country on account of his health. Was it not the case that Mr. Sydenham merely wished to return on leave of absence, thinking that the charge d'affaires could perform the duties of his office in the mean time? Mr. Sydenham's salary, as he was informed, was to have been less than 4,000*l.* a year—3,500*l.* he believed; a letter to signify the reduction having been sent by lord

Castlereagh, in consequence of the debate on the civil list. The first thing that was done when lord Castlereagh went abroad, was to appoint a minister on the same mission, the expense of which he had laudably been labouring to reduce, with the enormous appointment of 14,000*l.* a year! Why was the price of a congratulator (for Mr. Sydenham was sent out to congratulate the Prince Regent of Portugal), which was so short a time ago about 3,500*l.* now raised to 14,000*l.*? Every body knew Mr. Sydenham to be a very able person: whether he was eloquent enough for the occasion, he did not know: at all events, he might have got a speech written by somebody else, and have said it off by heart (a laugh). Now the Prince Regent of Portugal, at the soonest, was not expected before the next spring; and it was doubted by some whether he would arrive at all, since he was supposed to be unwilling to expose his aged mother to the fatigue of another voyage to Europe. Next spring, then, would at any rate have been time enough to have sent out Mr. Canning. But, no; this splendid embassy was sent out at a time when we had another minister, supported at a great expense, actually at the court of the Prince Regent in the Brazils; and a fresh and totally superfluous addition of 14,000*l.* a year, amounting, together with the charges of plate and outfit, to at least 20,000*l.* this year, was thus saddled on the backs of the unfortunate people of this country. The right hon. the Chancellor of the Exchequer had considered the term he had before applied to this transaction, as too harsh and almost unparliamentary. He had undoubtedly called it 'a scandalous job.' The expression would be frequently found upon the records of that House: it was, indeed, quite the appropriate phrase; it was the very epithet in use upon such occasions among all well-disposed christians: but, if it would be more satisfactory to the right hon. gentleman, he would call it an 'abominable' job (a laugh). But if it had become necessary to remove Mr. Sydenham, there were many other Mr. Sydenhams who would have been very happy in the appointment, less able perhaps than that gentleman, and of course less eloquent than the present ambassador. He hardly knew how it happened, but there was not one among the partisans of Mr. Canning, not a single friend enlisted in his *squad*, if that was a parliamentary word, who had not contrived to get some-

thing. Some, who could get nothing better, had taken baronetcies; and if he was not greatly deceived, he had then an embryo-baronet in his eye (a laugh). It was like the last lottery, where there were no blanks, but all prizes. He had no doubt of Mr. Canning's dexterity in his new office, and that at least he would furnish an abundance of fine language. Was it not true that the right hon. ambassador had declined accepting any post, till he at length consented to go to Lisbon whenever the Prince Regent should return to Europe? And was it through any suspicion that this event might not take place, that he afterwards listened to the prudent suggestion of accelerating his departure, lest his services should never be required at all? The case was so irresistible, that if the House desired to prove they were in earnest, and were rather determined to stand by the people in their difficulties, than indulge in idle compliments to the crown, they must cheerfully concur with his proposition.

Mr. Huskisson contended, that the right hon. gentleman had completely failed in making out a case to prove the propriety of laying before the House the documents called for. Until the year 1804, no accounts of this nature were ever produced, unless when a message from the crown announced an exceeding in the civil list; although, prior to that period, he believed the arrears, in particular departments, were frequently very great. In 1804, in consequence of seven quarters being due in some of the departments, parliament was called upon to look into the state of the civil list, and a very large sum was voted to cover the deficiency. An act was then passed, by which it was provided, that if any branch of the civil list was more than two quarters in arrear, then the account should be submitted to parliament. Now, it was quite sufficient to mention this statute, for the purpose of shewing what the sense of the legislature was on the subject. The enactment to which he had referred, clearly proved, that a motion for papers of this description was not, as the right hon. gentleman seemed to suppose, a mere matter of course; but that, in certain cases only, they were to be laid before parliament. Then came the second act, of which the right hon. gentleman had spoken; by which it was provided, that if the civil list, on any future occasion, exceeded the average of the nine preceding years, an account of the expenditure



should be placed on the table: But the right hon. gentleman had not proved that any breach of either of these acts of parliament had taken place. Many of the points which the right hon. gentleman had touched upon, were so completely answered by his right hon. friend the Chancellor of the Exchequer, that there was no necessity for him to notice them. But he felt it necessary to make a few observations on that part of his speech, in which he had made a personal attack on his right hon friend (Mr. Canning). He seemed to have entirely misconceived his right hon. friend's appointment. He had stated, on what authority he knew not, that lord Castlereagh had reduced Mr. Sydenham's appointment, at the court of Lisbon, to 3,500*l.*: if his lordship had done this, it must have been under the impression that his appointment was not of a permanent nature. Now the rank of that court, and the dignity which it was necessary for the representative of the crown of Great Britain to support there, required at least a minister plenipotentiary. The salary of an officer of that rank was not 3,500*l.* but 6,000*l.* per annum. Therefore, the right hon. gentleman must either be under a mistake with respect to Mr. Sydenham's salary, or his appointment could only have been that of charge d'affaires. It was not improbable, in consequence of the extraordinary expenses incurred in the diplomatic department, at Madrid and Lisbon, in the two preceding years, that orders might have been issued to contract them as much as possible; but he could not imagine that all discretion, with reference to their expenditure, was withdrawn from our ministers at those courts, and that they were peremptorily required not to exceed a certain sum under any circumstances. He had frequently heard it asserted in that House, when the question was considered abstractedly, without reference to particular persons, that the allowances granted to our ambassadors were too small. If such was the fact, no other course could be pursued, than to enlarge their salaries, or else to invest them with a discretion to draw for such sums as their necessary expenses demanded. He would, therefore, put it to the right hon. gentleman, whether, if a foreign resident, whose salary was 3,500*l.* per annum, was, under peculiar circumstances, obliged to call for 6,000*l.* additional? He would deem such an occurrence as worthy of the grave

consideration of parliament. Would he consider it extravagant, when the embassy to Lisbon, which had, in the two last years, cost upwards of 20,000*l.* was suddenly reduced to a very small allowance, if an additional sum were called for? In the case of his right hon. friend (Mr. Canning) this discretionary power had been taken away. The allowance appeared to be 14,000*l.* per annum; but the fact was, that his salary amounted to 8,000*l.* and he was directed not to permit the expenses of his office to exceed the remaining 6,000*l.* and to keep as much within it as possible. It should not be forgotten, that this country had at Lisbon a very large commissariat and military staff; and he believed the allowance to the commander in chief was greater than that of the ambassador. He meant not to justify the one expense by the other; but when they considered the high rank of an ambassador, there was reason to think that the salary was not too high. An hon. gentleman (Mr. Whitbread) had, on a former night, observed, that there was no business to be transacted at the court of Lisbon, and that his right hon. friend might amuse himself with reading Camoens, and writing sonnets. He could not look upon this embassy as a matter of so trifling a nature, when he considered the ancient connection between the two countries, and the necessity that existed for continuing it. Even if the mission of his right hon. friend procured the least additional chance that the slave trade, that abominable traffic in human flesh, which the hon. gentleman was accustomed to reprobate so warmly, would be abolished; he conceived that alone was sufficient to make them pause, before they called on the country to consider the embassy to Lisbon as a gross and scandalous job. He knew not what leisure his right hon. friend's situation might afford; but if he had any, and that objects of literature should engage his attention, he hoped he would continue to write with the same loyal and patriotic spirit, which had often delighted him, though it might have displeased the hon. gentleman. As to the assertion, that the prince Regent of Portugal was not likely to arrive soon in Europe, he should only observe, that a British squadron had proceeded to the Brazils for the purpose of taking him on board; a course that government would not have taken, if application had not been made to them. An hon. gentleman had men-

tioned, with some degree of sarcasm, the rumours that had gone abroad of his right hon. friend having, in the course of last session, so far despaired of ever being able to join the present administration, that he was afraid they would be millstones about his neck, and wished them to shift for themselves; and, now he had found it necessary to visit Lisbon for the health of his child, it was said he had joined his adversaries for emolument; and had been attacked from the same quarter, because he had shewn that his friends were dear to him [*'Dear to the country!'* exclaimed Mr. Tierney]. As for himself, ever since he had known any thing of the practice or theory of the constitution, he had thought it proper to attach himself to some set of men, with whom, on most subjects, he agreed; and he thought he had done nothing improper in accepting the office he then held. As for his predecessor (lord Glenbervie) who had so long and so faithfully served the public, he had expressed a wish to retire, and would perhaps receive some reward for his services; but otherwise, Mr. Huskisson said, his appointment would be rather attended with some saving to the public, as the reward he received for his former services, however unworthy, was suspended while he enjoyed the office he now held.

Mr. *Whitbread* said, he hoped the ship in which the ambassador to Portugal was going out, did not labour, as his friends at home had done that night to defend his appointment; if it did, he was sure his excellency and his suite must be very sick indeed; for never had he witnessed any thing more impotent or more lame. The right hon. gentleman who had just sat down, had told them, that he and his friends, in joining themselves to a party with whom they agreed in all great constitutional points, were perfectly justified. It might be so, and he for himself was not disposed to declaim against parties; but it remained for the right hon. gentleman, if he agreed with his colleagues in all great constitutional points, to account for the persevering animosity with which he had opposed them for two years. The right hon. gentleman had now replied to a speech which he (Mr. *Whitbread*) had made a week ago. After he had uttered that speech, the friends of Mr. Canning, and the right hon. gentleman amongst them, after divers consultations and conferences on the benches and in the lobby, selected a proper person to reply to it, and

that reply was supposed by them to be satisfactory. It had been answered again to-night; but to him neither the former, nor the present answer, was satisfactory. It was urged, as a matter of complaint against him, that he attacked the right hon. ambassador in his absence. This was a serious charge; but how difficult it would be to attack a man for being absent, while he was present! (A laugh.) He had further to observe, that when there was only the difference of the Friday and the Tuesday between the departure of the right hon. gentleman and the opening of the present session of parliament, it was not too much to expect that he might have been in his place to answer the attacks, which he must be aware, from the nature of his appointment, would be made. It would be very convenient for members who might wish their conduct should escape all animadversion, to have it established as a rule, that nothing should be said respecting a member not present. For one, he did not admit of the propriety of such a rule, especially where the absence was voluntary, upon a public service not compulsory; the service itself very unnecessarily expensive to the public, and involving the very cause of complaint against the absent member. Was he to wait the return of Mr. Canning from Portugal, before he presumed to animadvert upon his appointment to that embassy, or upon the job of that appointment? This was the time, and the only time, for such animadversions; and the right hon. gentleman must be content to take the salary with all its accompaniments.

Neither he (Mr. *Whitbread*) nor any of his friends, had said, that the friends of Mr. Canning were millstones about his neck; but, on the contrary, he conceived that Mr. Canning had found that he was a millstone about the necks of his friends: and therefore, having laboured in vain to retrieve a fatal error in his political life, and finding that the most strenuous efforts of wit and oratory were wholly ineffectual to their object of bringing himself and them back into power, he had fairly given notice that it was a hopeless case, and passed the word to disperse: *'Saeve qui pent! Every man for himself.'* This had been so well understood at the time, that it was then said by a wag, a volunteer in his household, without disguise: *'My master has turned us all off; and if I were to apply for another situation, the only reason I could assign for having quitted*

my former service would be, that my master was lessening his establishment, and had no further occasion for me.' The right hon. gentleman (Mr. Huskisson) had feelingly contended for the honour and good faith of Mr. Canning, in providing, as well as circumstances would admit, for his adherents. Some of them were now comfortably provided for. The right hon. gentleman (Mr. Huskisson) for instance, with the Woods and Forests: some less substantially, with the expectation of being created baronets, it was said; and one, it was surmised, was to be made a peer. To others, it was asserted, offers had been made of places which had neither honour, emolument, nor business attached to them: but this could hardly be, considering the talents of those distinguished members of the dispersed party. He could assure a right hon. gentleman (Mr. Pole) who was pleased to notice what he said, that he did not include him amongst the appointments resulting from Mr. Canning's bargain. He could conceive other reasons for his appointment. The right hon. gentleman (Mr. Huskisson) when speaking of his own appointment, had said, though he did not know how lord Glenbervie was disposed of, this he knew, that no additional expense had been thrown on the establishment on his (Mr. Huskisson's) account. He begged pardon of the right hon. gentleman. He had at first thought there was an addition of expense; but he recollected now, that both lord Glenbervie and the right hon. gentleman's were *floating* pensions; so the thing was just as broad as it was long. But his carelessness about the fate of lord Glenbervie put him in mind of a person who, when new in office, on being asked where his predecessor had been provided for, had answered, 'that was what it had never occurred to him to inquire—it was not in his department.' The arrangements made between Mr. Canning and his friends now turned out to be political arrangements. He did not deny to that right hon. gentleman the credit due to his talents, but it was a little curious to hear the right hon. the Chancellor of the Exchequer enlarge on them with so much pleasure, when all must remember how often they had been exercised to chastise his schemes and himself; and it was not less amusing to see sitting beside him, as colleagues, those who had till lately been in attendance on the right hon. gentleman, of whose appointment he had had to speak, assisting him with

fresh cat of nine tails, for the flagellation of the Chancellor of the Exchequer and his colleagues, in the shape of Accounts, Documents, and Quotations, fairly written out, and handed to the orator by the present Surveyor of the Woods and Forests, and others of his followers, whilst the House was convulsed with laughter, at the expense of the sufferers. It was really very charitable in the Chancellor of the Exchequer to pass such encomiums on the strength of the arm and the sharpness of the scourge under which he had suffered.

If the right hon. gentleman (Mr. Canning) had been present, he certainly should not have attacked him for being absent, but he would have attacked his appointment. He desired to know, if he had not been appointed ambassador to Portugal, would that situation have been conferred on any other gentleman? If it could be proved that this would have been done, then against the particular appointment of the right hon. gentleman he had nothing to object; but to this interrogatory no one would answer—'Yes.' He believed, but for the appointment of Mr. Canning, Mr. Sydenham, notwithstanding his health, would have been allowed to return to Lisbon, and the abolition of the slave trade would not have been thought to call for the presence of an ambassador from this country. If ministers would tell him that the abolition of the slave trade was the object they had in view in making this appointment, he would admit it to be one they ought to purchase at any price, even by the appointment in question; but that such was its origin no one was bold enough to assert. The right hon. gentleman (Mr. Huskisson) had commented on his speech, and represented him to have said, in allusion to the poetical talents of his friend, that he might read Camoens. He (Mr. Whitbread) had not paid Mr. Canning so ill a compliment, or doubt he had Camoens by heart: he had said the right hon. gentleman might become the rival of Camoens. His muse might there put forth some vigorous young shoots; and if he revised his *Juvenilia*, to attack himself (Mr. Whitbread) and those in this country who were opposed to ministers, it would afford him (Mr. Whitbread) material gratification, as he should then see the right hon. gentleman was doing something to fill up his time.

For the right hon. gentleman (Mr. Huskisson), he was glad to see that his

talents were again to be exercised in the service of the country. He trusted that he would prove that his former speeches on economy were something more than sounding brass and tinkling cymbal; that he would exert himself to diminish the expenditure of the country. It was true, he had thought there had been a radical difference of opinion between him and the Chancellor of the Exchequer. How that was accommodated, would be seen in the course of the session. The right hon. the Chancellor of the Exchequer had omitted in his speech to give any explanation as to the appointment of several other new diplomatic characters. Why was lord Stewart sent to Vienna, and lord Burghersh to another capital? Why had it been necessary to place lord Clancarty at the Hague, when he was president of the board of trade, and while the vice-president was at Paris? Could not ministers have furbished up any of the old stagers who would fulfil these duties? Were they all worn out and knocked up? Was no old horse to be found in the stable, who would do this hackney work? Could not ministers persuade any of their antiquated adherents to equip themselves with a star and a bag wig and sword? Paris had been inundated by our envoys of different degrees. Lord Aberdeen had been sent to assist lord Cathcart, and lord Castlereagh to assist them both. Surely so many could not find employment: two of them, indeed, had shone in the Gazette, in language attempting the flights of poetry. With respect to the appointment of the duke of Wellington, from his very pre-eminence it might be doubted whether he was the fittest person to be selected for the embassy to Paris. But Mr. Whitbread wished to know whether he was allowed a contingent bill of unlimited expenses? If so, of what possible advantage was a fixed salary?

It was a formidable state of things indeed, when all these enormous expenses were proved to have been incurred out of the civil list, and yet no account of the excess was to be produced. The Chancellor of the Exchequer had called upon parliament to make up for the extraordinary expenses, and he had indeed a place of painful responsibility. He had however informed the House that night, that profusion might be carried to such excess, that he should feel himself bound to resign. If, for instance, the Regent

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should call upon him to provide funds for building a magnificent palace, without previous application to parliament; but instead of going to the House of Commons, he should order him to go to Mr. Nash, then indeed he should be resolute and resisting, and send in his resignation. But change the word 'palace' to 'cottage,' and the pill goes down; and first 33,000*l.* was granted, then 30,000*l.* and afterwards 60,000*l.* more, for which the Chancellor of the Exchequer was alone responsible, and yet he had not thought fit to execute his threat of sending in his resignation—such an effect had the mere change of a name! The hon. gentleman next took occasion to speak of the late Jubilee. The fooleries in the Park, which had gratified nobody, and which had in the end delivered up the population of London to unexampled profligacy, had caused an unnecessary expense over which that House had no controul, as the responsible officers were not known. During the time his Majesty reigned in health, who was perhaps more beloved than any monarch who had ever before filled the throne, the application of every shilling granted for the civil list had been strictly scrutinized; but, now the Prince Regent (who of course was equally beloved) was at the head of government, it was not thought necessary to be quite so rigid. He did not, however, approve of the departure from the old system; and on this ground, and on the grounds set forth in the speech of his right hon. friend, he should support the motion, which he hoped would not be voted against by any person who had ever contended, that controul over the national expenditure, and reduction in it, were necessary to the well being of the state.

Mr. *Huskisson* said, that he had not held out any hope of the abolition of the slave trade from the appointment of Mr. Canning, but merely suggested that his embassy might be of some use in that matter.

Mr. *Wellesley Pole* said, if he had not listened to the early part of the debate, he should have imagined, from the speech of the hon. gentleman who had just sat down, that the motion before them was not for a series of accounts connected with the civil list, but applied exclusively to the appointment of Mr. Canning, and the acceptance of office by some of his friends; amongst the number of whom the hon. gentleman had included him. This was an honour, however, to which he had no claim. The hon. gentleman acknowledged

(Q)



that he was a party man—that he acted with party, while it seemed likely to operate beneficially. Now, he recollected, when the hon. gentleman's friends sat on the Treasury-bench, that the nicety of his principles led him to oppose them. He would not then act with the King's government, of which those friends formed a part. With respect to his situation of master of the Mint, he assured the House, that he had never had any connection with Mr. Canning, or his friends, so as to let them know why he accepted office, why he gave it up, or why he returned to it again. He had always acted on one plain principle, namely, to serve the public in high situations, to which a proportionate share of responsibility was attached, where he could do so with those whose principles were congenial with his own. His public life was before the world, and he cared not how closely it was investigated. The right hon. gentleman then shortly opposed the motion; observing, that if gentlemen pleased, they might bring the appointment of Mr. Canning, or the purchase of the duke of Wellington's house, before parliament, by a specific motion, and he was convinced his Majesty's ministers would not shrink from their responsibility in either case.

Mr. Ponsonby said, he had not the least doubt that the right hon. gentleman who had just sat down, was ready at all times to take upon himself the responsibility of office: on a former night he had avowed himself ready to sustain the responsibility of all parts of the administration. [No, no, from Mr. Pole.] It was difficult, however, to reconcile this declaration with the fact; he was ever anxious to serve his country 'in high situations, and with a proportionate share of responsibility,' and yet what was he now?—master of the Mint! a very high situation, and a very heavy responsibility. (A laugh.) This responsibility was doubtless increased by the fact, that no money was now, or likely in future, to be coined at the Mint, since the bank restriction, by the intimation of the Chancellor of the Exchequer, was unfortunately to be continued. In Mr. Ponsonby's opinion, the strongest ground had been laid for concurring with the motion; the regular practice was found insufficient, the excess was enormous, and a remedy was accordingly necessary to stop that excess; and investigation was the first step before the remedy was applied. He apprehended, that when the time

arrived at which the papers would be given, the attendance in the House would not be such as was desirable on such an occasion. The right hon. gentleman had asked, of what use it would be to produce the papers now? He would tell him of what use it would be: it would prove to demonstration that the civil list was not in a state to bear new expenses. Nothing was so much the duty of the House, in the present circumstances of the country, as retrenchment; and if a retrenchment in expense were effected now in what concerned the crown, they would endear themselves to the country; and it was necessary to prove that there was no subject which demanded attention to which their inquiries would not be directed; that even where they might imagine it was most their interest to cultivate an acquaintance, and to relax in their exertions, they executed their duty with fearless independence.

Mr. Bathurst contended, it was not necessary to produce the accounts before the time fixed by law, the 5th of April. Ministers did not refuse information; but they stood up for the period which parliament had decided was that at which it ought to be given. He thought at no part of the session was a better attendance to be expected than at the time when the accounts would be forthcoming. The law, as it at present stood, in his opinion, gave the public security, that the accounts of the civil list would be investigated whenever it was necessary.

Mr. Banks thought the time at which the accounts were usually given, was too late for the House to come to any practical resolution on the subject in the same session, more especially if a committee were to be appointed to look into it. The law compelled ministers to produce the accounts of the civil list at an early period of the session in one case, and was it to be assumed that it would be improper for the House to determine that they should be so produced in any other case? He could see no reason why a bill should not be brought in to alter the time at which they were to be produced, if it would be found more convenient to have them brought forward earlier in the session than had been customary. He wished for nothing but to have the subject brought fairly before the House.

Mr. Tierney expressed his disposition to adopt the suggestion of the hon. gentleman who spoke last, or to withdraw his motion

altogether, if any assurance should be made by the gentlemen on the opposite bench, that a statement of the excess of the civil list should be laid before the House within the next week, or the week after. His object was to have the accounts respecting the civil list generally communicated to parliament at an earlier period than was provided by the existing law upon the subject. By that law, any account of excess was not to be laid before the House until the 5th April, which was a period too late in the session to afford sufficient opportunity for fully investigating the subject; because the papers presented in April, were not likely to be printed for the use of the members until May; and then, should any supplementary papers be called for, they were not likely to be forthcoming until some time afterwards, probably until June; so that the subject could hardly be discussed until the very eve of the period at which the session usually closed, and when the attendance of members was usually very thin. Therefore he conceived, that in order to bring the accounts respecting the civil list fairly under the consideration of parliament, they ought to be laid before the House at least within the month of February; and to ensure that object, he thought the law upon the subject ought to be amended.

Mr. Long vindicated the conduct of the committee appointed on a former occasion to investigate the expenditure of the civil list, of which committee he had the honour to be a member. He was of opinion, that there was time sufficient, under the act as it now stood, to investigate the accounts.

The *Chancellor of the Exchequer*, after declaring his indisposition to become a party to any compromise with a view to induce the right hon. gentleman to withdraw his motion, observed, that the suggestion of his hon. friend (Mr. Banks) with respect to the propriety of laying before the House a statement of the expenses of the civil list at an earlier period of the session than was provided by the existing law, appeared to him well deserving of consideration. He had no doubt, indeed, that this suggestion would be duly considered by his colleagues, but yet he would be understood to engage for nothing upon the subject.

Mr. Tierney said, that in consequence of the declaration of the right hon. gentleman, he would consent to withdraw his motion, although the right hon. gentleman

did not think proper to enter into any pledge; but if no such statement as was alluded to should be laid before the House within a reasonable time, he would pledge himself again to submit a motion upon this subject.

Mr. Banks approved of the right hon. gentleman's intention to withdraw his motion.

The motion was withdrawn. After which, Mr. Tierney moved, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, an account shewing the total amount of the proceeds received from Droits of the crown and Admiralty, since the 1st January 1814, to the latest period to which the same can be made up; together with an account of the sums paid out of the Droits since the same date; specifying by whom received, and on what account." The motion was agreed to.

## HOUSE OF COMMONS.

Wednesday, November 16.

IRISH GLASS DUTIES BILL.] Mr. Fitzgerald moved, "That the order of the day, for the House to resolve itself into a committee of the whole House, to consider of the Act 54 Geo. 3, c. 87, to grant duties of excise on certain sorts of glass made in Ireland, and to grant and allow certain countervailing duties and drawbacks in respect thereof, be now read;" and the same being read,

Mr. Davies Giddy said, he took that occasion to call the attention of the right hon. the Chancellor of the Exchequer for Ireland to a subject of great importance, which he had mentioned in the course of the last session. He adverted to the propriety of consolidating the revenues of England and Ireland. He thought it would be a measure of great importance and corresponding benefit. As the two countries were one, their revenues ought to be united.

Mr. Fitzgerald. I apprehend, Sir, that the hon. gentleman has rather introduced the mention of this subject, with a view of calling the attention of his Majesty's government generally, than for the purpose of taking any proceeding now. My opinions are not unknown to the hon. gentleman; they were expressed strongly in the last committee, of which he was chairman; and on two of the occasions when it

was my duty to submit to parliament a view of our financial situation, I stated my belief of the necessity of coming to such an arrangement; that belief, Sir, has been formed, not only from a conviction of the inadequacy of our means to meet (for any continued time) the separate charge of our expenditure under the present system, but I have a strong opinion also of the advantages which would result from the exercise of the control over our departments, which would be strengthened by such a consolidation. I am aware, Sir, that some extraordinary exertion will be necessary to meet the public exigency. I desire not to anticipate such discussions. With respect to any proceeding now, the hon. gentleman will feel that we should come to it unprepared. In the absence of the representatives for Ireland, particularly of some of those who take a leading part on questions connected with this important subject, it would be impossible to take any step; more especially in the absence of my noble friend, the Secretary of State for foreign affairs, who is so peculiarly qualified to assist in such deliberations, and whose experience in matters of Irish finance, the former committees, as the hon. gentleman will recollect, had frequent opportunities of appreciating.

On the House resolving itself into the committee on the Irish Glass Duties,

Mr *Fitzgerald* said, it would be in the recollection of the committee, that he had, in the last session of parliament, recommended that a duty, equivalent to that existing in Great Britain, should be imposed on glass manufactured in Ireland, and a countervailing duty necessarily resulting on the same article imported from this country. It was rather an extension than a new measure of excise. There had previously been an excise on glass in Ireland, not, however, embracing those branches of the manufacture which were to be affected by the Act he referred to. He had now to explain to the House, the ground upon which he was about to propose the repeal of that Act. A period of one month from the passing of that Act, had been allowed before the duty was to take effect. Previously to any motion being made in parliament of such duty, he was aware that a large stock had been imported into Ireland; the British manufacturer deriving a considerable, and he would say, indeed, an unfair advantage, in the amount of duty, which he drew back on sending his manufacture into that country.

Owing to that circumstance, a greater supply than the annual consumption was in store there, even before the 5th of January in this year. A still greater quantity was imported in the month that intervened between the passing of the Act and its coming into operation. Not satisfied with the profit which would have resulted to them from the stock previously on hand, the proprietors raised the price on the public as high as if the duty had been paid. He, perhaps, was not called on to state what he understood to be the quantity in Ireland. It was sufficient, he presumed, as a ground for his motion, that a duty which he had calculated upon as productive, must for a considerable time be unproductive; while the public were charged to the full extent to which they would have been subjected, if the revenue had received the benefit that he had hoped. Whatever observation might fall upon him, he felt that he owed an equal duty to the public and the crown; and he should deem himself acting a most unmanly part, if, rather than rescind a measure which he had himself recommended to parliament, he were to leave the people of Ireland subjected to a heavy taxation, without a corresponding benefit resulting to the state. The necessities of the times were at present sufficiently urgent. He trusted he should be able to provide against the importers sustaining any loss of which they could fairly complain. He would recommend the payment of the duty in all cases where the high countervailing duty had been charged; the amount he could state to be very inconsiderable. It would be incumbent on him to provide also for repayments, where a greater *ad valorem* duty had been charged on account of the increase in value of the article, which was estimated at the price it then bore; and if, along with that, a facility of re-export were given, he apprehended that he should have done all which they had a right to expect; while it would not be difficult to prove that they had, by the law under which they drew back the duty, as well as in the profit on the stock previously in Ireland, even under the circumstances of this repeal, not a disadvantageous speculation. He concluded by moving, that the chairman should move, "That leave be given to bring in a Bill to repeal the Irish Glass Duty Act."

Mr. *Ponsonby* could not possibly entertain any objection to the repeal of an act,

which, in conjunction with the similar act respecting timber, had (although he was persuaded the hon. gentleman, in proposing it, had not apprehended such a consequence) been so injurious, that the best title which could have been given to it, would have been, "an Act to prevent further improvement in Ireland." The adoption of such a measure by parliament, arose from the practice of putting off bills to a period of the session so late, as not to allow sufficient time to those whose interests were affected to point out their evil tendency, and he trusted this example would deter his Majesty's ministers from similar conduct in future. The right hon. gentleman had said, that the price of glass in Ireland had been doubled by this act. It had not been merely doubled; it had been trebled! There was one extraordinary circumstance which he felt it his duty to notice. The operation of the act in question was fixed at one calendar month after its passing. Having been passed on the 14th of July, its operation, therefore, was to commence on the 14th of August. By a subsequent act, however, passed on the 25th of July, the clause postponing the operation of the first act to the 14th of August was done away, and it was directed that the act should operate from the 6th of July; that was eight days before, instead of a month after, it had passed! He did not wish to make any harsh observations on this proceeding, but it certainly was one of a very extraordinary nature.

Sir *M. W. Ridley* confirmed the statement of the right hon. gentleman who had just spoken, and added, that he understood the Chancellor of the Exchequer for Ireland had written to the officers of the customs in Ireland, subsequently to the passing of the Act of the 14th of July, telling them that another bill was in progress through parliament, by which the duty was to be imposed from the 6th of July, and directing in consequence, that no glass should be allowed to land without the payment of the duty. The dealers in glass were, in his opinion, entitled to great consideration; for unquestionably they would not have imported the quantity which they had done, except on the faith of the first Act.

Sir *C. Monck* censured warmly the want of skill which had been manifested on this occasion by the Irish Treasury.

Mr. *Fitzgerald* said, he should ill deserve the liberality and candour which the two hon. members who had followed him had

displayed, if he could suffer himself to be provoked, by the asperity of those animadversions which had fallen from the hon. baronet who spoke last, into any acrimony of retort; he was anxious to stand well in the opinion even of that hon. baronet. In the last session of parliament certain Acts were prepared, imposing excise duties in Ireland; and, as was the practice in the Excise Acts, the duties were not to take place under them until one month after the passing of the acts. At the time when this Act was prepared, he was prevented by indisposition from attending his duty in the House; and having given directions that the time for the excise acts coming into operation should be after an interval of one month, it had escaped the recollection of the person who was professionally employed to prepare the Bills, that the principal duty under this act, though obviously one of excise, was the countervailing custom duty which was to be levied on importation. It must be observed, that it was in fact necessary to impose a countervailing duty on the importation of any article imported into Ireland from Great Britain, on which any internal duty had been imposed. The Bill [had passed through the Commons, and was in progress through the other House; it had arrived, indeed, nearly at the last stage, when he was apprized that it contained a clause that the duties were not to take effect till one month after the passing of the Act; whereas they ought, according to the usual practice in acts relating to the customs, have taken place from the date of the Resolutions of the committee on which the Bill was founded. The committee would recollect, that at the period to which he was alluding, considerable delays had taken place in the parliamentary proceedings, which it was not necessary to recapitulate; but a clause had been introduced in another Bill, to correct the error, and to direct that the duties should commence from the 5th of July, the period from which the other duties took their date. As to any unfairness towards the British manufacturer, he disclaimed it. The clause alluded to had been brought in, and had received the sanction of the House of Commons, at least, before the Glass Excise Bill had received the royal assent. He believed that it was on the same day under the opinion of the law officers in Ireland. It was deemed, however, impossible to extract the custom duty previously to the internal excise



duty being in operation ; in that opinion he acquiesced ; even if it had been a doubtful one, he should have acquiesced equally, as he felt that the merchant should always have any benefit of which the law had not distinctly deprived him. He might be charged with repealing this entire measure, and censured as giving up what might be afterwards introductive. It was his duty, however, to protect the public from extortion. He begged pardon of the hon. baronet, who spoke last, for the expression. The hon. baronet would surely admit, that from him the monopolist did not deserve much consideration. He would prefer calling on the public, when it was necessary, to supply this deficiency ; and if he had to recur to a similar duty hereafter, it should not be for the exclusive benefit of the English importer. He hoped that the committee, and all impartial men, would be of opinion, that he had taken a fair and candid course. The hon. baronet had alluded to a letter, written by him to the officers of the customs in Ireland, while the second Bill was in progress : upon this point he was desirous of giving a distinct explanation. Whether, in the mass of correspondence that passed through his office, he had written such a letter with his own hand, he did not now recollect ; but the retrospective clause being introduced into the second Bill, he thought it his duty not to write, or cause to be written, a letter, such as the hon. baronet supposed, to the officers of the customs, unwarrantably stating, as the hon. baronet had accused him of doing, that the Bill would pass. He certainly should not have been guilty of such presumption (although, being a Bill of supply acceded to by the Commons, it might not have been too bold a prediction), but to apprise them, that a Bill with such a clause was in progress, in order that they might take the necessary steps for carrying the Act into execution when passed, and surcharging such goods as might have been imported between the date of the Resolutions and the passing of the Act : this was the nature of the letter, which he conceived he was not only authorized, but which it was his bounden duty to write. In point of fact, he believed that, before that letter arrived in Dublin, or could be acted upon, the royal assent had been signified to the Act.—The hon. baronet had stated, that when the English manufacturers conceived themselves to be aggrieved, they applied to

the government of England, and that justice was immediately done, which was not the case in Ireland. He was not conscious that any delay had taken place. He could assure the hon. baronet, that no representation had been waited for from England to entitle the English manufacturers to that attention from the Irish treasury to which they had a right ; and what was the fact ? It was from the Irish Treasury that a compliance with their application had been granted. It was only by their lordships that it could be given. Nay, more, on inquiry being made by the lords of the Treasury of England, and a recommendation of the case of some merchants of Newcastle he believed it had been, our answer was, that the subject had been considered, and the prayer of their representation already complied with. The hon. baronet seemed to think that he was inconsistent, when he said that this Act had not been productive, and at the same time proposed to repay duties levied under it. He should have stated it, that the produce had been inconsiderable to the Treasury, for it had not been unproductive to the speculators :—the sum to be repaid was very small, not exceeding 5,000*l.* Irish ; as the importation, after the Act took effect, was very trifling. The hon. baronet alluded to remuneration to the importers ; he (Mr. Fitzgerald) should be able to satisfy the House, that the persons who claimed it had already derived very considerable advantage, both from what they had sold in Ireland, and from the drawback of a greater duty than they paid. Was the hon. baronet aware of the profit which this drawback yielded ? It would be for the English Excise to look to this part of the question. With respect to what had been said upon the subject of other duties on wood, &c. he should have some observations to make when they came to the committee upon that subject.

Mr. Ponsonby repeated his hope, that this occurrence would warn his Majesty's ministers against putting off bills to the month of July, a period when it was too late to ascertain whether or not they were such as ought to be passed.

Mr. Stephen, referring to what the right hon. gentleman (Mr. Ponsonby) had said, with respect to the impropriety of putting off the public business till July, begged to observe, he could not comprehend why it should be done worse in that month than in April or May, if, by shortening the session, it became necessary then to do it in a hurry.

Did the right hon. gentleman think they were more likely to blunder in July—sitting in the dog-days—than at any other time? Did he mean to say parliament ought to cease to legislate in April or May, and only continue to sit to correct the blunders previously made?

Mr. Ponsonby said, he must have a happy knack of mis-stating what he meant to say, or the learned gentleman had one of misunderstanding him. He would advise him to look at the almanack, before he again set down the dog-days for July; as, if he looked into that very useful work, with which he was so well acquainted, he would find they did not begin till August. What he had meant to say was, that the public business ought not to be deferred, when the minister had got his supplies, till the season was so far advanced, that the House was but thinly attended.

Mr. Stephen could not help differing from the right hon. gentleman, when he set down the dog-days for August. He did not know how this point was settled in Dublin, but they commenced on the 3rd of July, according to the almanack he had in his pocket. If, therefore, the Dog-star had any thing to do with this in question, his influence might be supposed to be felt in July rather than August. He could not see, for his part, that the business of the House would be likely to be disposed of with less hurry from shortening the session.

After a few words from Mr. Peel and Mr. C. Smith, the motion was agreed to: the House resumed, and leave was given to bring in the Bill.

IRISH CUSTOMS DUTIES ACT.] On the motion of Mr. Fitzgerald, the House went into a committee on the Act 54 Geo. 3, c. 129, to grant to his Majesty rates and duties, and to allow drawbacks and bounties on certain goods, wares, and merchandize imported into and exported from Ireland, in lieu of former rates and duties, drawbacks and bounties.

Mr. Fitzgerald said, he rose in pursuance of the notice he had given upon the former day, to propose a modification of the Act of last session, as far as it related to the duty upon deals imported into Ireland. It was not his intention to propose any alteration in the duty upon timber. He should, with the permission of the committee, explain the nature of what he conceived to be a misunderstanding which had taken place upon the subject. He

should first mention, that before he left Dublin, he had a communication with the chairman of a meeting which had been held to consider of the duties imposed in the last session. The meeting, however, was of persons concerned in the building trade. The gentleman to whom he had alluded, had, with great candour, informed him of the course which the petitioners meant to pursue, and had indeed communicated the petition which it was intended to lay before parliament. He (Mr. Fitzgerald) did not feel himself authorized to acquaint that gentleman of the steps which he proposed to take respecting the glass duties, because he felt that it would be necessary previously to communicate with his right hon. friend, the Chancellor of the Exchequer for England, as to the permission for the re-entry into England of the glass exported to Ireland, to which, if the merchant desired it, he hoped there would be no objection made by the English excise. He had other reasons also for abstaining from that communication; but he did undertake to propose a modification of the duty upon deals, with which modification he hoped that the importers of deals would be satisfied. The object which he had in view in the various taxes, whether internal or external, which he proposed last session, was in consonance with what he conceived to be his duty, namely, to equalise, as far as possible, the revenue of Ireland to that of Great Britain, not only in the duties, when they could be made equal, but in the practice of the collection of the revenue, and in the mode in which the duty was taken. He was induced to make that attempt, because Ireland was necessarily called upon, not only on that occasion, but during the whole time that he had held his present office, to make greater pecuniary sacrifices and exertions, far beyond any that had before been required in the way of taxation. Those gentlemen who had turned their attention to the nature of the revenue of Ireland, must be aware, that the limits of taxation there were extremely narrow; the sources left untouched could scarcely now be named; and if the course he had taken of equalizing duties, had not of itself been the only general measure that could be resorted to, there remained no alternative but those great and obnoxious burthens which he had yet avoided to impose. It was under this impression that he had proposed those duties of which parliament

had unanimously approved. The task he had to perform had been an unpopular and ungrateful one. He could only assure the committee, that he had never had an anxiety that did not proceed from a desire to reconcile to his public duty, that duty of his office which some one must perform, with the endeavours to avert from his country, burthens which, from the state of her commercial means, owing to causes which, if there had been more representatives of Ireland present in the committee, every man of them could speak of feelingly, he feared she would be long unable to bear. But with regard to the duty of timber, great misunderstanding had gone abroad. It had been erroneously stated, that the duty had been increased 1,000 per cent.: the fact was, that before the Act now under consideration took effect, timber was comparatively free from duty in Ireland. The fair way of considering the subject, was to compare the amount of the duty with the price of the article. It was his duty to make every inquiry upon the subject; he had ascertained that the duty amounted to about one-third of the price of the article. The price of Swedish timber in Ireland was about 9*l.* 10*s.* and Memel 10*l.* 10*s.* per load; so that the additional duty amounted to about 30 per cent. upon its price. It was true that there was a considerable sensation in Ireland respecting these duties, and he did not deny that there was some stagnation in the building trade; but the committee knew that the imposition of new duties almost always produced similar effects in the trades which they affected. In finance it was always admitted, that an estimate was not to be considered as fallacious, if the produce of a duty the first year fell short of the expected sum. For it was the result of all new duties, to affect the consumption of the article to which the duty was applied. In point of fact, it had happened during some years. He dared to say, the greater part of the five years antecedent to imposition of these duties, when our intercourse with the north of Europe was interrupted by the war, the price of timber in Ireland was considerably higher than it was now, inclusive of the new duty. The timber that sold then for 12*l.* per ton, now sold for 10*l.* 10*s.* Memel timber, all deals too, were higher at those periods than their present price—even so high as 90*l.* for the large Swedish deals. He admitted that it arose when

our intercourse had been suspended. But what were they now? In the schedule which he adopted, he had adhered to the schedule as enacted in Great Britain: there was in this no variation of the duty from deals of 8 feet long to those of 20 feet. He was aware that considerable difficulties upon the point had arisen, in cases where shipments had been made in the Norwegian and Swedish ports, in ignorance, not so much of the duty, but of the alterations of those dimensions on which the duty was charged: in such cases, the Treasury had, upon their own responsibility, directed, and he hoped that parliament would think that they had done rightly, as it was for the relief of the subject, a modification of the import duty, by substituting a graduated scale, and charging the duty upon the entire contents of timber in deals of the intermediate descriptions. It was his object to continue by law that graduated scale: it might be desirable, too, to sanction the act of the Treasury which had taken place, though he must observe, that the order had nothing to say to reduction of duties; on the contrary, under it had been charged all classes, with a full duty in proportion to their content of timber. There only remained one or two topics upon which he wished to say a few words. One of the objects of laying a high duty upon timber imported from the north of Europe, was to encourage importation from our north American colonies; but under the present circumstances, he might depart from that principle in some degree; a supply from our American colonies could not be contemplated for some time, except on unfavourable terms, in consequence of the expense of freight and insurance. There were two points, however, on which he would not conceal his opinion, that, high as the rates were, they would be found insufficient to protect our colonial trade, that must be benefitted hereafter, if the duties on European timber be still further advanced. The import of timber from British America increased, during the late war and the continental decree, from 4 or 500 tons, to 4,500 tons. In the year 1809, the import was 7,325 tons; in the last year only 1,682 tons; while that from the north of Europe was 23,000 tons. He threw out these observations now, because hereafter he might be compelled, by a sense of duty, to act upon this view of the question: it was on this view that the British schedule was formed. The

advantages of the shipping interest also were not to be forgotten, as from the colonies, imports could only be made in British built ships; these, however, were mixed with great considerations of policy, which he was not called upon to discuss now. He was not unaware that there was still, according to this modified schedule, a disparity between the duties on deals and on timber; the difference, however, was in favour of the deals, which the right hon. gentleman opposite had alluded to, as being the principal import into Ireland; and it was, in fact, that which affected the general mass of consumers the most. Mr. Fitzgerald said, that he was not aware that he had any thing further to trouble the committee with; they would recollect that one-third of the total duty would necessarily cease, whenever the duties of Great Britain, making one-third of the British duty, should determine. He thanked the committee for the attention with which he had been favoured, and concluded with moving the first resolution.

Mr. Ponsonby was desirous of modifying the duties, but required time to determine on the merits of the scale proposed.

The resolution was agreed to, the House resumed, and the report of the committee was ordered to be received to-morrow.

COMMITTEE OF WAYS AND MEANS.] The House having gone into a Committee of Ways and Means, the Chancellor of the Exchequer moved the following Resolutions: 1. "That, towards raising the supply granted to his Majesty, the duties upon malt, which, by an Act of the 54th of his present Majesty, have continuance to the 24th of June 1815, be further continued and charged upon all malt which shall be made within Great Britain, from the 23rd of June 1815, to the 24th of June 1816. 2. That the sum of four shillings in the pound, and no more, be raised within the space of one year, from the 25th of March 1815, upon pensions, offices, and personal estates, in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed. 3. That the several duties imposed on sugar, by three Acts made in the 27th, 34th, and 37th; on malt, by an Act made in the 27th; and the duties of excise on tobacco and snuff, by an Act made in the 29th of his present Majesty, which, by an Act made in the 54th year of his said Majesty, have continuance until the 25th of March 1815, be further continued until the 26th

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of March, 1816. 4. That the sum of 12,500,000*l.* be raised, by Exchequer bills, for the service of Great Britain. 5. That there be issued and applied the sum of 15 millions, part of the amount of monies in the Exchequer, and remaining to be received on the 8th of November 1814, to complete the sum of 20,500,000*l.* granted out of the produce of war taxes for the service of the year 1814, and to complete the sum of 24 millions granted to his Majesty to be raised by annuities for the service of the same year."

Mr. Ponsonby wished to know whether it was the object of the Resolutions of the right hon. gentleman to give an extension to any of the present war taxes?

The Chancellor of the Exchequer stated, that none of the Resolutions would have the effect of giving any such extension. They would merely allow his Majesty's government to apply some of the taxes granted for 1814, not yet received, towards the public service.

Mr. Whitbread said, he should be glad to know from the right hon. gentleman, whether he had yet any doubt remaining that the property tax expired on the 5th of April next?

The Chancellor of the Exchequer said, although it was not his wish to express what his sentiments were as to the construction of the Property-tax Act, yet he would say, that it most obviously bore the construction which the hon. gentleman put on it.

Mr. Whitbread. If the right hon. gentleman would only state what his own construction of the Act was, it would be a great satisfaction to the public.

The Resolutions were then agreed to.

## HOUSE OF COMMONS.

Thursday, November 17.

ASSIZE OF BREAD.] Mr. Serj. Onslow seeing in his place a worthy alderman, member for the city of London, who had given notice last session that he would submit to parliament some proposition respecting the Assize of Bread, wished to know whether the worthy alderman persevered in his intention; and, if so, whether he meant to bring forward his measure before the recess?

Mr. Ald. Atkins replied, that he did not conceive that he had pledged himself to bring forward any measure on the subject, although he had strongly recommended it to the consideration of parliament.

(R)



Mr. Lushington presented the following;

ACCOUNT of the UNFUNDED DEBT in EXCHEQUER BILLS: Outstanding 1st Nov. 1814.

Under what Acts issued.	On what Funds charged, and the Amount authorized to be raised under each Act.	Amount Outstanding.
48 Geo. 3, cap. 3	Held by the Bank of England without Interest, payable Six Months after Peace, out of the Supplies of the year .....	£. 3,000,000
48 Geo. 3, cap. 53	Held by the same, at an Interest of £.3 per cent. per ann. in the first instance made payable at the same time, and charged in like manner as the preceding Bills; but other contingent provision is provided by the Act .....	3,000,000
53 Geo. 3, cap. 27	Supplies...1814 .....£.1,500,000 .....	1,500,000
— - - - 42	Do. ....1813 .....	7,991,210
— - - - 119	Do. ....1814 .....£.1,000,000 .....	449,200
— - - - 161	Do. ....1814 .....£.5,000,000 .....	4,283,800
54 Geo. 3, cap. 2	Malt, &c. 1814 .....£.3,000,000 .....	947,000
— - - - 18	Supplies...1815 ..... £.10,500,000 .....	10,010 500
— - - - 39	Do. ....1815 .....£.5,000,000 .....	5,000,000
— - - - 53	Supplies...1814 .....	15,109,400
— - - - 79	Supplies...1815 .....£.6,000,000 .....	5,923,000
— - - - 188	Do. ....1815 .....£.3,000,000 .....	2,013,500
Exchequer Bill Office, 16 November 1814. Wm. Waterfield, Accountant.		H. JADIS. W. C. SMYTH. 59,227 600

ACCOUNT OF MONIES IN THE EXCHEQUER, &c.] The following Accounts were presented :

1. MONIES in the Exchequer, and remaining to be received, on the 8th of Nov. 1814 to complete the Sum of 20,500,000*l.* granted to arise from WAR TAXES for the service of the year 1814:—Also, of Monies in the Exchequer, and remaining to be received, on the same day, to complete the Sum of 24 Millions, granted to his Majesty, to be raised by ANNUITIES, for the service of the same year.

AMOUNT of Money in the Exchequer, and remaining to be received, on account of War Taxes .....	£	s.	d.
... Ditto ... on Account of Loan .....	18,198,632	10	4½
	8,303,841	18	7½
	£.26,502,474 8 11½		

2. AMOUNT of BILLS of EXCHANGE drawn upon the Lords Commissioners of his Majesty's Treasury, for the EXTRAORDINARY EXPENSES of the ARMY, and paid out of Money issued to the Paymaster-General of the Forces, between 24th Dec. 1813, and 1st Nov. 1814.

Total Amount of the said Bills .....	£.18,921,061
Towards which, there may be considered as having been applied,—the Sum granted to his Majesty in the last Session towards defraying the Extraordinary Expenses of the Army for the year 1814 .....	9,000,000
Deficiency .....	£. 9,921,061

PETITION FROM THE AUCTION MART RESPECTING THE PROPERTY TAX.] Mr. Whitbread said, he held in his hand a petition signed by certain persons, who complained of having suffered great grievance and oppression under the operation of the Property Tax. They had been assessed far beyond their fair proportion, and had been compelled to pay much more than they were by law required to pay. They had already appealed for redress to every quarter pointed out by the Act, but ineffectually. Their last appeal had been made to the lords of the Treasury, who told them they could grant them no relief. Under such circumstances, they threw

themselves on the consideration of that House. The persons who petitioned were those concerned in the building called 'The Auction-mart,' which opened in the year 1810, and which had been regularly assessed beyond the profits which were actually made. Mr. Whitbread then stated the profits of the Auction-mart for three years, with the assessments made each year. The result of the statement was, that although their profits for three years only amounted to 6,304*l.* they had been assessed at 9,625*l.* leaving a balance of 321*l.* actually levied on them beyond what they were by law required to pay. Instead of 10 per cent. on their profits, they had been thus compelled to pay 15.

The Petition having been read,

Mr. *Whitbread* said, that all he should do at present, would be to move that it should lie on the table, not pledging himself indeed that he would take any further steps in the business. He was very desirous, however, to obtain from the right hon. the Chancellor of the Exchequer (for whose presence he had waited before he presented this Petition) an explicit declaration of his opinion as to the time when he thought the Property Tax would expire. Would it, in the right hon. gentleman's opinion, expire on the 25th of April? When the subject was first mentioned, the right hon. gentleman seemed ignorant of the precise words and meaning of the Act; but yesterday evening he had admitted, that he had no doubt himself, although he gave a kind of intimation that some doubt existed elsewhere. If such a doubt really existed, either on the part of the legal advisers of the crown, or of any of his Majesty's ministers, it would be well that it should be immediately and distinctly expressed. For his part, he apprehended that nothing could be more clear and unequivocal than the words of the statute; and if no steps should be taken (as he hoped to God they would not) to renew the Act either entirely or in part, he was sure that government would not dare to levy that tax after the 25th of April. The tax itself was of the most obnoxious description. The case comprehended in the Petition which he had just presented, was only one of thousands of cases of hardship and injustice, increasing, of course, as the operation of this tax had been rendered more burdensome, from its origin to the present hour. The House would recollect that, when the tax was first introduced by

Mr. Pitt, under the name of the Income Tax, so far was it from occasioning the public exposure of the property of an individual, that every means was taken to prevent such an exposure. The principle of Mr. Pitt's Bill was secrecy: no person's affairs were developed to the world; and it was attempted to render the measure palatable by the very declaration, that it would be attended with no exposure. The very reverse was the case with the existing Act. Grievous were the burthens which it imposed on the people. By the people those burthens had been cheerfully borne; but that cheerfulness would expire with the termination of the Act; and the House were, in his opinion, bound to keep pace with the wishes of the people, and not renew a measure so oppressive;—oppressive, not so much on account of the money which it wrung out of the pockets of the people, as from the mode in which, of necessity, that money was collected. He was glad to afford an opportunity to the right hon. gentleman (which he trusted he would embrace) of explicitly declaring the determination of government; and he was persuaded that if the right hon. gentleman should intimate that it was intended to propose the prolongation of the tax, the country would lose no time in petitioning parliament upon it.

The *Chancellor of the Exchequer* had no objection to allow the Petition to lie on the table. As to the arguments used by the hon. gentleman respecting the Property Tax, they would not prevent him from the execution of what he thought right. He should no more shrink from his duty, if he should conceive it to be such, in proposing to continue the whole, or a portion of the Property Tax, than he was convinced the people of this country would, from cheerfully bearing its weight a little longer, if its necessity were made apparent. As to its natural termination, he would not hesitate to say, that, like all other war taxes, it would expire, not on the 25th, but on the 5th of April next, unless it should be renewed or continued by the authority of parliament. As to the contrast which the hon. gentleman had made between the manner in which this tax was collected at present, and at the time it was first imposed by Mr. Pitt, he was completely in the wrong. It was under Mr. Pitt that a complete exposure of the private circumstances of an individual took place. At present it was, in fact, void of that objection. No man

was now called upon to declare at once the whole amount of his income. It might be derived from twenty different sources, and the charge would be made and received on each of these apart, without revealing the secret of the whole. When it was proved that the produce of the new tax was three times greater than that of the old, it might well be inferred that it had been more cheerfully paid, and was therefore found to be less burthensome. Respecting the application made by the parties who presented the petition to the board of Treasury, he well recollected it. But it was not in the power of the lords of the Treasury to grant the relief sued for, because the act of parliament had made the commissioners of the taxes totally independent from them, not being appointed by the crown.

Mr. *Baring* said, that this was one of the many instances of extreme hardship which unavoidably occurred from the operation of this tax. If he did not entertain a hope that this odious tax would expire in a short time, he should move that this petition be referred to a committee; not with a view of making this House act as assessors of taxes, but to shew that, from the very nature of the tax, abuses of this sort were unavoidable. The right hon. gentleman, however, now seemed to give it pretty clearly to be understood, that it was his intention to make the tax co-extensive with the war in which we were now engaged. Now as the American war was but a petty war in comparison to the great war in which the country was lately engaged, he thought that the government ought to be prepared to give up at least a great part of this tax. He had always thought that the commissioners of this tax had been in some measure appointed by the government.

Mr. *Western* now understood that the right hon. gentleman meant to propose the renewal of this tax. He thought that if the House should attempt the renewal of an act which was so expressly understood as not to be continued longer than the 25th of April, such a violation of public faith might lead to the most dangerous consequences.

The Petition was then ordered to lie on the table.

COLONEL PALMER'S MOTION FOR THE PROCEEDINGS OF THE COURT-MARTIAL ON COLONEL QUENTIN.] On the order of the day being read,

Colonel *Palmer* rose, and addressed the House as follows :

Mr. Speaker ; at the time I gave notice to the House of the motion now before it, I could only state from recollection the grounds upon which I should bring it forward ; but as I hold in my hand a copy of the Document in question, I beg to read the precise words to which I then referred, and which are contained in the General Order issued from the Horse Guards, relative to the proceedings of the Court-martial on colonel *Quentin*. The passage to which I beg to call the attention of the House, immediately follows the Opinion and Sentence of the Court upon the Charges, and runs thus : " The Court, however, cannot conclude these proceedings without expressing their regret, that there appears to have existed such a want of co-operation among the officers of the regiment, as to render the duties of the commanding officer much more arduous than they otherwise would have been." Now, Sir, I must repeat, that this observation is totally unfounded, and that there is not the slightest evidence throughout the whole of the proceedings to warrant an assertion of the kind ; and this observation is the more to be complained of, as it has been made the ground of the heavy censure and punishment that has been inflicted upon the officers.

It was my intention, as I stated in giving notice, to confine myself to this charge against the Court, as the ground for addressing the Prince Regent to order the proceedings of the Court-martial to be laid before the House ; and to delay entering into any discussion of the merits, until the proceedings had been printed, and sufficient time allowed for the House to become acquainted with the subject. I own I regret that I cannot proceed as I intended ; but having been informed by honourable friends, more experienced in the practice of parliament than myself, that I must state the whole case, to induce the House to consent to the proceedings being laid before it, I find myself under the necessity of entering into the detail, most respectfully entreating their indulgence in thus trespassing upon their time.

Before I begin, I beg leave to say one word as to my determination in bringing forward this question, being aware that it has been contrary to the opinion of many hon. friends. No one can feel more sensibly than myself, that the mo-

tion might have been put in much abler hands; and I certainly regret, that upon such an occasion I should happen to hold a seat in this House: but being a member, and the necessity of my attendance having been declared by those who would have had another hon. member undertake the motion, I own I have felt the necessity of bringing it forward myself, to obviate the objection which might have been urged against the motion, had I declined it; as it would, no doubt, have been observed by gentlemen opposite, that as I, who was a party in the business, and who had had the whole conduct of it, did not think proper to complain to the House, it could only be brought forward by others in opposition to the government. I trust, therefore, that the having come forward, without communicating with any hon. member on either side, but solely from a sense of duty to those whose cause I had undertaken, and to the service I had the honour to belong to, will obviate such objection.

In the first place, Sir, I beg to read to the House the General Order from the Horse Guards, by which the Sentence and Observations of the Court and the Prince Regent are made public; and which states, "That his royal highness the Commander in Chief had been pleased to direct, that the following copy of a letter, containing the Opinion and Sentence of a General Court-martial recently held for the trial of colonel George Quentin of the 10th, or Prince of Wales's own royal regiment of Light Dragoons, and the Prince Regent's pleasure thereon, 'shall be entered in the 'general-order books, and read at the head 'of every regiment in his Majesty's service.'"

Now, Sir, this Order, although customary, is a cruel aggravation of the case of the officers, and particularly claims the consideration of the House: by this Order, they have not only been censured and disgraced in front of their own regiment, but such disgrace has been promulgated throughout the army, who may naturally be supposed to concur in the justice of the sentence, being ignorant of the proceedings on which it has been founded; and considering the respect and obedience they are bound to pay the authority by which this sentence has been approved.

Having the whole of this case to go through, I shall proceed by reading each Charge, with the Opinion and Sentence of

the Court, and then refer to my Reply to the Defence of colonel Quentin, calling the attention of the House to such parts of the evidence as I conceive may be necessary; and I beg particularly to call the attention of the right hon. gentleman opposite (Mr. Manners Sutton, the judge-advocate) to the detail I shall enter into, or it will be for him to correct me in any misstatement which I may be conceived to make.

The hon. member here began with reading the first Charge, the Opinion of the Court thereupon, and afterwards his own Reply to col. Quentin's Defence upon this Charge,\* and then proceeded as follows:

*\* First Charge.*

"That on the 10th day of January, 1814, the regiment being on that day on duty, foraging in the valley of Macoy, in France, and the said colonel Quentin having the command of the regiment, did not make the proper and timely arrangements to insure the success of the regiment in its operations of foraging, although directed so to do by the Brigade Order of the 9th of January 1814; but neglected and abandoned his duty as commanding officer, leaving some of the divisions without orders or support when attacked by the enemy, whereby some men and horses of the regiment were taken prisoners, and the safety of such divisions hazarded: such conduct on the part of the said colonel Quentin evincing great professional incapacity, tending to lessen the confidence of the soldiers of the regiment in the skill and courage of their officers, being unbecoming and disgraceful to his character as an officer, prejudicial to good order and military discipline, and contrary to the Articles of War."

*Opinion of the Court.*

"The Court having maturely weighed and considered the evidence on the part of the prosecution, as well as what has been offered in defence, are of opinion, that colonel Quentin is guilty of so much of the first Charge as imputes to him having neglected his duty as commanding officer, on the 10th of January, by leaving some of the divisions without orders when attacked by the enemy; but acquit him of the remainder of the Charge."

*Colonel Palmer's Reply to Colonel Quentin's Defence upon the first Charge.*

"I now beg leave to call the attention



The House, Sir, will here observe, that the Court have only found colonel Quentin guilty of that part of the Charge which

of the Court to the Charges preferred against colonel Quentin, to the way in which they have been proved by the evidence I have adduced in support of them, and also to the nature of the Defence which colonel Quentin has chosen to set up against them.

"In support of the first Charge, it is in evidence, that the regiment foraged on the day stated in the valley of Macoy, under the command of colonel Quentin; that the Brigade Orders, which directed the regiment so to forage, pointed out the proper and timely arrangements which were to be made for that purpose; that instead of these timely arrangements being made, that it was 12 o'clock at noon, and that two troops had actually begun to forage in the valley, before colonel Quentin dispatched captain Lloyd to general Morillo for the parties of infantry to cover the foragers; that the troops so detached had a short time only begun to forage before they were attacked by the enemy; that colonel Quentin was within a short distance of the foragers when the attack began; that he left them without orders or support when so attacked; that some of the men and horses were taken; and that the safety of the foraging divisions was hazarded.

"Now, what is colonel Quentin's answer? Colonel Quentin admits having the Order, but says it was evening before he received it, and too late to send to general Morillo that night; that he gave orders to send a subaltern officer to that general the next morning at day-break for a covering party, and then himself proceeded to the valley. He states the way in which he found the valley occupied by our troops and the Spaniards.—He then states some misapprehension on his part of the Brigade Order, and connects that misapprehension with the way in which he relates the valley to be occupied by Spaniards and British.

"Colonel Quentin then says, that upon arriving at the valley, not finding the officer who had been sent on (and I shall shew that no officer could or had been sent), or a proper covering party, he dispatched captain Lloyd to general Morillo. A few men then, colonel Quentin says, turning out when captain Lloyd was gone, the Spanish picquets being in his front,

he has himself confessed, viz. the having left the divisions without orders, when attacked by, the enemy; but I maintain,

and an English picquet at the church of Macoy, and concluding that his last message to general Morillo would soon give him a sufficient covering party (although captain Lloyd, the Court will observe, had two miles to go for the Order, and in the then state of the roads, which colonel Quentin knew, to take that Order to the outposts), he allowed the foraging to begin; and then, holding the attack light which was made upon the troops, although it is evident he at the time knew nothing of their fate, and was leaving them under fire, colonel Quentin concludes that part of his narrative with this most extraordinary declaration for a commanding officer, under such circumstances—"I therefore," says colonel Quentin, "took the regiment back, foraging as we returned up the hill; leaving, as has been stated, the troops nearest where the enemy had advanced in the valley; but naturally concluding that they would 'follow and overtake, or fall in' with us by a different road."—Now I beg leave to ask the Court, whether they could have believed it possible that any officer in the command of a regiment, with part of it under such circumstances, could make such a confession? That he could confess he left the troops attacked, no order, it is proved, of any description having been sent to them, or a single person being left to tell them which way the regiment had retreated; in a fog, too, which was one of colonel Quentin's reasons for retiring; and content himself (I quote his words) 'with naturally concluding that the troops would follow and overtake, or fall in with him?' Why, gentlemen of the Court-martial, without discussing minor points, I might leave this charge where it is, and be satisfied that enough of it is established against colonel Quentin, and that upon his own confession, to draw down the severest sentence of this Court upon him. But colonel Quentin seems to claim for himself some merit, upon the calculation he had made of the loss which the regiment might sustain, and at the anxiety he seemed to express when capt. Fitzclarence came to report to him the situation of his troop.—Now referring to the evidence of captains Stuart and Fitzclarence, and of lieutenant Fitzclarence, which I do, to shew the nature and danger of the attack made by the enemy on

that the first part of the charge has been equally proved, viz. his having neglected to make the proper and timely arrange-

the foraging divisions, I refer the Court also to the evidence of the two first-named officers, to shew that, from the moment of the attack, they were without orders or support of any description, but that which their own prudence suggested to them: and yet, from all the evidence which can be collected, allowing for the variance in opinion which there may exist as to distance, colonel Quentin appears, from the moment the first shot was fired, to his leading the retreat of the regiment up the mountain upon his return, to have been within a short distance from the spot where the safety of those troops was hazarded.

"But colonel Quentin, who, I beg the Court to observe, rests his Defence to this Charge upon the events as they accidentally happened, not as they were produced by his prudence, holds the attack, as far as relates to the enemy's cavalry, light, because lieutenant Fitzclarence is unable from where he was placed to ascertain their nature or their number. But capt. Stuart, who with his troop was in a different situation, and the Court will recollect the nature of the country, gives a different account of their numbers and appearance; adding, that had he been attacked by superior numbers, he should have engaged them, expecting support from col. Quentin. Indeed, captain Stuart's evidence is so descriptive of the circumstances of the attack, that I cannot help here introducing it, to shew how little colonel Quentin's calculations were warranted, and how un-officer-like it was in him to be speculating upon the safety of these divisions, instead of performing his duty by personally ascertaining it, or at least sending those on whom he could depend. Captain Stuart says, that after nearly completing his foraging, the vidette he had placed on his front came galloping in, and informed him that the enemy were advancing with cavalry and infantry; that he went up to see, and observed the enemy advancing with cavalry and infantry towards the Spanish picquet; that he rode back, and formed his troop in rear of it; which he had scarcely done, when the picquet was driven back in confusion; that having no orders, he remained on the ground as long as he could, and then retired through the Spanish cantonments, not knowing the

ments to insure the success of the regiment as directed by the Brigade Orders; and with respect to the incapacity he is

road the regiment had taken by Macoy. —So much for colonel Quentin's unofficer-like conclusion, that the troops would 'follow and overtake,' or fall in with him. —And it was not till afternoon, the Court sees, when colonel Quentin sent for capt. Stuart, that colonel Quentin found his speculations upon the safety of the troops verified.

"With respect to the anxiety colonel Quentin betrayed to captain Fitzclarence, when that officer found him at the top of the hill, two miles, the Court will observe, from where he had left the foragers under fire, and attacked, I must own I give him no credit for it, as a feeling of laudable interest for the fate of the troops. This anxiety of colonel Quentin's at this period when captain Fitzclarence came up, is to me the strongest evidence of his misconduct. It was the natural feeling of a man who knew that he had left great duties unperformed, and that he had consigned to chance the safety of those who had been specially entrusted to his charge. Had colonel Quentin performed his duty upon that occasion, instead of his making these anxious inquiries respecting the fate of the troops, it was he who should have been able to satisfy the feelings of the regiment for the safety of their comrades. And I can take upon myself to assert, that had it been becoming to have examined the men as to the sensations of the regiment when colonel Quentin led it to the rear, and left these troops under fire, it would have proved, that there existed the strongest marks of anxiety and fear for their fate.

"It really is painful for me to be continually calling upon the Court to look to evidence; but if they will refer to sergeant Marchant's statement, at the period of the attack, they will see that at this moment of difficulty and hazard to the troops in question, colonel Quentin, instead of displaying the energy and zeal of a commanding officer under such circumstances, is tamely riding his horse to and fro, occasionally looking at the enemy; and then, without advancing himself, which I contend under the circumstances (in opposition to colonel Quentin's assertion to the contrary) he should have done in person (for I was never weak enough to suppose that, in the state of the roads, he

charged with, I think I cannot better explain it, than by reading to the House a

was to move with the regiment), or detaching any one else to support the troops, he quietly, as he himself states, is contented with filing and leading the regiment to the rear, through all the intricacies of the country, leaving the foragers under the fire and attack of an enemy, whose strength he had taken no measures to ascertain, and whose power to hazard the safety of such divisions, he had taken no means to inquire into.

"With respect to colonel Quentin's assertion, that he sent an officer at day-break on the 10th to general Morillo, no such circumstance took place.

"The truth is, colonel Quentin mistook the tenor of the order; and instead of attending to the letter of it, which directs the report to be made to general Morillo, he concluded, it appears, that it had been matter of previous arrangement, and considered, as he says in his Defence, that he was certain of being covered without much previous notice; in fact, that the mere detaching an officer and a quarter-master early to seek for forage, would be sufficient notice. Then why does not colonel Quentin acknowledge this? Why bring the acting adjutant to swear that some officer, he knows not whom, was detached at day-break. Does the orderly book contain such an order on the 9th? I can answer, No. The fact is, it was on the 12th that lieutenants Fitzclarence and Wyndham were in orders to go to general Morillo, previously to the regiment's foraging on that day in the valley of Macoy. And the colonel and the serjeant-major, to say the least of it, have confounded the circumstances and the dates. But the Court, if they look to the way in which captain Lloyd was sent to general Morillo, without any expressions of surprise on the part of colonel Quentin that no covering party was afforded in consequence of his application, and recollect too the silence with which colonel Quentin received general Morillo's rebuke for the lateness of his application, they will be satisfied that the application had not been previously made. Had colonel Quentin made the application, he would have stated it at the time. The officer who had been sent would have been inquired for at the instant, and have been the object of severe rebuke, if not of some more serious proceeding. But there is another

letter contained in the evidence, which was written to him by order of the ge-

strong circumstance, which shews that colonel Quentin, even at the period the Court were trying the first Charge, had no idea of any such excuse; and that is, his suffering captain Lloyd to be examined to the very point, and lieutenant Fitzclarence to appear as a witness to the Charge, and putting no question to either of them in cross-examination, to elucidate the circumstance.

"Before, however, I close my observations on this Charge, I must beg to call the attention of the Court to the evidence of brigade-major Jones, who, although he, the instant he heard the firing, rode off to the nearest infantry-post to bring up some detachments of infantry to support the foragers whom he had heard were in the valley, yet tells the Court he considered a covering party had been stationed, because there was an order to apply to general Morillo for the purpose.

"But if there could be a doubt that the effect of this want of arrangement produced the loss of the men and horses, brigade-major Jones's evidence removes the difficulty; for his opinion is (and he appears to have well known the ground and the nature of the country) that if a covering chain had been established, it would have prevented a sudden surprise, and probably have saved the loss of the men and horses. Indeed he goes further, and states, that one hundred men properly posted would have stopped a large body of infantry. What would they have done, when it appears by the evidence and colonel Quentin's admission, that they were the enemy's picquets only that advanced; although colonel Quentin at the time had no means, and certainly took no means, to ascertain the force?

"But the whole of colonel Quentin's conduct was a mass of confusion and inconsistency. Quarter-master Eyres, it appears, found forage amidst plenty and security; and yet such was the arrangement, that no advantage could be taken of it; and lieutenant Fitzclarence is seen, by colonel Quentin's order, seeking for forage in general Morillo's cantonments, after an express direction that they were to be respected.

"There are many other observations that suggest themselves upon this Charge; but the Court evinces such honourable pains in the investigation of the evidence,

neral of the brigade, in consequence of his mismanagement upon this occasion.\* I cannot conceive a stronger charge of incapacity than is contained in the whole of

that it is scarcely necessary to utter them.

"But I perhaps may be permitted to call the attention of the Court to lord Edward Somerset's letter of the 16th, which was produced by colonel Quentin's want of arrangement on the 10th; and I think that the Court, connecting that letter as they will with the evidence on this Charge, will be forcibly struck with the application of lord Combermere's opinion of colonel Quentin's inadequacy to the command of a regiment of light dragoons upon active service."

\* "On courage, Sunday-night  
16th January, 1814.

"Sir; in consequence of the repeated affairs with the enemy, which have occurred when the regiments have been out foraging, and in which we have generally suffered some loss, I am directed by my lord Edward Somerset to refer you to the brigade orders which have been given respecting the precautions which must always be taken before the foraging commences, by making application to the officer commanding the infantry in the neighbourhood in which the troops are directed to forage, for parties to form a foraging chain to protect the men during that operation.

"I have also the major-general's orders to request you will not forage in future, until after you have sent out officers to ascertain the houses in which the forage is to be obtained, and that you have received their reports thereupon. This you will be pleased to do to-morrow, and every succeeding day, when your regiment is to forage; in order that, with the precautions directed above, you may guard against surprise during the time the troops are employed on this duty.

"I am desired to add, that the general wishes you to send out proper people to find the forage the day before the foraging is to take place; and that you will, in the event of its being in the immediate vicinity of the enemy, report to the major-general the place you intend to forage, in order that you may receive his directions thereon. I have the honour to be, Sir, &c. your very obedient servant,

CHARLES JONES, M. B.

To Lieut. Col. Quentin, commanding  
10th Hussars, Cambo.

(VOL. XXIX.)

this letter, addressed to the commanding officer of a cavalry regiment; and yet upon the trial colonel Quentin declares, that he has no recollection at all of this letter, which is proved to have been sent to him. I must, therefore, appeal to the House, if this want of memory in colonel Quentin does not argue his insensibility to all reproof, or that he was so constantly in the habit of receiving it, that he could not call to mind this particular instance.

I now come to the Second Charge. [The hon. member here read the Second Charge, with the Opinion of the Court, and his Reply to the Defence upon it.\*] With re-

#### \* Second Charge.

"The said colonel Quentin having the command of the regiment, the day after the battle of Orthes, viz. on the 28th day of February 1814, on the high road leading to St. Sever, in front of the village of Hagelman, department of Landes, in France, and the regiment being on that day engaged with the enemy, he, the said colonel Quentin, did not, previously to, or during the period the regiment was so engaged, make such effectual attempts as he ought to have done, by his presence, and by his own personal exertions and example, to co-operate with, or support the advanced divisions of the 10th Hussars under his command; but neglected and abandoned his duty as commanding officer, and thereby hazarded the safety of those divisions, and the character and reputation of the regiment: such conduct on the part of the said colonel Quentin, tending to lessen the confidence of the soldiers in the skill and courage of their officers, being unbecoming his character as an officer, prejudicial to good order and military discipline, and contrary to the Articles of War."

#### Opinion of the Court.

"With respect to the Second Charge, the Court are of opinion, that colonel Quentin is not guilty."

#### Colonel Palmer's Reply to Colonel Quentin's Defence upon the Second Charge.

"Upon the Second Charge, the point is in a very narrow compass, and reduces itself to this question, Whether colonel Quentin, upon the occasion alluded to, gave that support, by his presence and example, which he was bound to do? And how does colonel Quentin answer

(S)



spect to this Charge, in defiance of all the evidence brought forward, the Court thinks proper to acquit colonel Quentin, or rather

this? Why, colonel Quentin rests his defence upon his former character; upon the place which a commanding officer, he conceives, is at his pleasure entitled to take; and in some measure, more than I think is worthy of colonel Quentin, upon the fleetness of his horse. With respect to colonel Quentin's former character, I am disposed to give colonel Quentin the full benefit of it; but what has colonel Quentin's character, upon a former occasion, to do with the dereliction of his duty upon this? Will any man say that, with the very limited service colonel Quentin had seen, a service of two months only, in which other officers of the regiment were engaged, and I trust could bring as much testimony as colonel Quentin to their character; is a limited service like this to establish colonel Quentin for ever, and to put an end to all necessity for future example and exertion? Colonel Quentin, I beg to tell the Court, has officers in the regiment of longer date than himself in tried and approved service; and it ill becomes colonel Quentin, I think, upon the strength of two affairs, and two months service only, to be comparing the claims I make upon his example to an eagerness scarcely pardonable in a young officer. But colonel Quentin, I beg to tell the Court, in relation to his service, is a very young officer; and it should not be forgotten, that this very affair of the 28th was the first since colonel Quentin had joined, in which he had an opportunity of shewing himself to a regiment almost new in officers and men, since the occasion upon which he had formerly served with it, and from which he draws his character. But the case has never been properly put to the Court, and not one of the questions to lord Uxbridge met colonel Quentin's situation at the time his conduct was first impeached. The question to lord Uxbridge put colonel Quentin, not at the *head*, but on the *flank* of the column with the leading division, supposing that to have been the place he had originally occupied. But the evidence places him where he really was, when within fifty yards of the enemy, that is, not on the flank, but at the *head*, and in *front* of the leading division. Lieutenant Fitzclarence expressly places colonel Quentin reining in (so much for

to find him not guilty; although, in the first part, he is proved to have fallen back, when charging in front of his men,

his horse wanting speed) in front of the leading division. Serjeant Lacey, colonel Quentin's orderly, who says, he passed him at twenty yards only from the enemy, states himself at the time to have been with colonel Quentin in *front* of the leading division; and French, a private, who was with the leading division, and who passed colonel Quentin with the others, upon being asked by the President whether he was in the front rank of the division, answers, Yes; and he (meaning colonel Quentin) was in front of me. Here, then, is colonel Quentin in front, not on the flank, as he afterwards was, of the leading division. Why was not lord Uxbridge asked whether colonel Quentin, being once in front of the leading division, within twenty yards of the enemy, as his orderly places him, could then ride out to the flank, and encourage by his voice only, instead of animating by his example. The answer is perhaps obvious: because, if lord Uxbridge, or general Vivian, who might have been examined to the point, could have said 'yes' to such a question, it might have been retorted upon them by the whole army, that it was notorious that their practice was at variance with their opinions.

"With respect to serjeant Lacey's silly and idle invention of the state and condition of colonel Quentin's mare, I was at first disgusted with it, as tending to heap unmerited odium upon that officer, or indeed upon any officer in the command of a dragoon regiment. To imagine that such an excuse could prevail for a commanding officer's failing at the moment of a charge in the discharge of his duty, is too monstrous to be entertained; but with colonel Quentin above all other men—a light weight, remarkable for the selection of his horses, and admittedly one of the most complete horsemen in Europe; that he, commanding a regiment of Hussars, should at the instant of a charge, when the regiment had comparatively done nothing, and when every trooper's horse was found equal to the effort, that he, the colonel only, should find himself, from his horse being blown, unequal to the conflict, is, as I said before, to heap unmerited odium upon colonel Quentin. Lacey, indeed, did state that many of the horses were in this predicament, and fell back;

within twenty yards of the enemy; that he left the same squadron to engage a second time with the enemy, without giving

but there was not a man examined after him, officer or private, who did not positively contradict him. But although colonel Quentin does not adopt serjeant Lacey's excuse of want of condition, he is willing, it appears by his defence, to excuse himself in some measure, by stating the inferiority of his own and of some of the officer's horses to the troop horses of the regiment. Without waiting to express my surprise at this statement of colonel Quentin respecting his own horse, I will ask him whether he ever heard that any officer in the regiment had condescended to offer such an excuse, for not being more forward than the men upon an occasion like the one in question? Nor was the want of speed the complaint of the men on that day. It is evident there was speed and strength enough the moment colonel Quentin ceased to repress the advance of the men.

" And here I beg leave to tell the Court, that although I am not prepared to charge colonel Quentin with actually misbehaving before the enemy, in the sense in which that charge is generally taken, and in the way in which it is generally proved, yet I must openly avow that colonel Quentin's conduct to me bears an aspect little less censurable. It is matter of indifference to me, whether the efforts of the men are paralyzed by want of courage, or want of proper officer-like feeling: in my mind, the culpability is the same.

" I disclaim all wish to place the commanding officer of a regiment; but when a commanding officer places himself at the head and in the front of the leading supporting division; remains there the greatest part of the day, receives the order to charge the enemy, still remaining in the front of the division; trots in the front of it; gallops in front of it, and arrives within fifty yards of the enemy in front of it (his own orderly states within twenty), the head of the column actually engaged; and at this moment suddenly disappears from the front, moves to the flank, checks his horse, and the men finding themselves constrained, leave him behind; is there an officer in Europe who will say that the most serious consequences might not ensue from it? Brave as the men are, every man knows the force of example, and particularly the example of

them any support or orders; and lastly, for the third time in the same day, he neglected his duty, by abandoning the di-

a commanding officer of *cavalry*; and I repeat, without fear of contradiction, that colonel Quentin's conduct at this moment might have been productive of the most serious consequences to the service: and I may add, that I believe from my heart that it was only counteracted by the zeal and gallantry displayed by the officers who accompanied me in the charge, and to whose efforts I attribute its success.

" Up to this period, I have got no further than to the first charge made on the enemy when colonel Quentin fell out. I now come to my being left without orders or support, when I formed the divisions, and called for colonel Quentin, at the time the French threatened to attack us in return; and lieutenant Beauchamp, lord Combermere's aid-de-camp, rode to the rear to colonel Quentin, to bring me support, seeing himself, and knowing from my sentiments, that support was necessary. Was there any choice then of situation which colonel Quentin, as commanding officer, was to select? Can any excuse, after the halt the charge had occasioned, be found in the want of speed or condition of colonel Quentin's horse? Colonel Quentin, however, it is in evidence, did not appear till the French went about, upon our advancing a second time without his support; and then, when lieutenant colonel Gardiner's guns are brought forward, colonel Quentin is seen at the head of the centre squadron, that being the first time he appeared from the moment he left the head of the leading division of the right squadron, as they were riding down to the attack in which captain Harding was wounded.

" I really am not disposed to use harsh expressions to any one, but I cannot help saying, that colonel Quentin's defence to this part of the charge, betrays, in my mind, a want of feeling I little expected to have found in him. He is distinctly charged and proved to have afforded me no support of any description upon the second attempt I made upon the enemy, and yet it is proved it was both wanted and called for. Lieutenant Beauchamp, and other witnesses present upon the occasion prove these facts.—Now, how does colonel Quentin answer this? He states his surprise at the singular mode in which the order I gave for fetching him was

vision he was leading, when it came under the fire of the enemy, and exposing the regiment to that danger from which it was

executed; stating that, had he heard it, its singularity would have occasioned it not to be forgotten by him; and then says, that feeling confident that it is quite unnecessary for him to trouble the Court upon it, he shall call a witness for reasons he has mentioned, to prove that a great many horses were pressed on that day.—If ever there was less reason to say any thing upon the condition of the horses on that day, this to be sure was the moment; for the Court must remember how completely it is in evidence, that when it was put to the men whether their horses were ready for another charge, an universal “yes!” prevailed upon the occasion.—But, as I took the liberty of stating before, there is an actual want of feeling in colonel Quentin’s answer to this part of the charge. Is it nothing to have such an interval of danger and anxiety without the presence of the commanding officer of the regiment, as that which took place between the first charge on the enemy and the attempt to charge them a second time? Was it not colonel Quentin’s business to have made himself master of our situation, and to have furnished us with his support? Is it not proved that the French were threatening us, and did actually advance in numbers sufficiently imposing to induce lieutenant Beauchamp to gallop off for support?—It happened fortunately, it is true, that the French, upon being advanced upon without the support, did not stand; but colonel Quentin, the Court sees, lent no aid to that; and I rest satisfied that the Court will see and feel his culpability for the omission, and the truth of the accusation that he left us without his co-operation or support.

“Upon the second part of the second Charge, the object of which is to prove that colonel Quentin quitted the front of captain de Grammont’s squadron the instant it was fired upon, putting it to the rear himself, and then leaving it without orders, the evidence I submit is as clear as possible. Captain Fitzgerald was a subaltern on that day, and commanded the skirmishers in the front of captain de Grammont’s squadron: he says he remembers the volley from the infantry in the wood. In about a minute after, he observed the French coming forward at a gallop, with an intention to drive in the

rescued by the gallantry of captain de Grammont; and if a doubt could be entertained as to the evidence of the other

skirmishers. Having but few with him, he thought it prudent to look back to see how he was supported. He did so, and found the rear of the supporting division put about, and retreated to some distance. The overpowering body of the French, he says, obliged him to do the same. After the supporting body had retreated some distance, he observed captain de Grammont waving his sword, and desiring the men to look to him, for he was their captain. Captain Fitzgerald then joined captain de Grammont’s division: it had already fronted. Upon observing this, the advanced division of the French pulled short up quite on a sudden, threw out their skirmishers, and retired. He then says, that when he heard captain de Grammont call to his men to front, he did not see colonel Quentin, nor did he see him before he went back to the skirmishers.

“Captain Stuart, who was present with his troop, supplies the deficiency in capt. Fitzgerald’s evidence, as to who put the squadron about, and says it was colonel Quentin. That captain de Grammont came up, and ordered the leading division to front. At this time colonel Quentin had passed captain Stuart’s division to the rear. After that, he did not see colonel Quentin for some time. Captain de Grammont called so loud from the front to his division to front, that captain Stuart says his men heard him, and turned immediately:

“Then comes captain Llyod; and his evidence is so far material, that he proves, upon the volley being fired, colonel Quentin put his troop about, and passed him to the rear; that he did not see colonel Quentin come up again; and that he fronted his troop again, not from any order, but that seeing the front division formed again, and seeing the enemy coming galloping down the hill towards them, he thought it his duty to front his division again without orders.

“Yet, with this mass of evidence to prove that colonel Quentin was not seen again after he had put the column to the rear, and that it was captain de Grammont who fronted it again, colonel Quentin pretends to say, that the order was given by him.

“The testimony he produces in support of this assertion, I must leave with the

officers upon this point, the circumstance of colonel Quentin refusing to admit the written answers of captain de Grammont, to the questions put by colonel Quentin himself, of which I had a copy, must be conclusive. And yet, in the face of all this evidence, colonel Quentin, in his Defence, takes credit to himself for the behaviour of the regiment in that day, because his own misconduct not being reported, he was of course noticed as the commanding officer in the thanks returned by the General to the corps on that occasion.

I now come to the Third Charge. [The hon. member here read the Third Charge and Sentence, with his Reply.\*] The

Court, because I really cannot so far compliment colonel Quentin, as to take his assertion for proof. But I think the Court must begin to be seriously struck with the repeated occasions in which colonel Quentin appears to be any where but in the discharge of his duty, when that duty is to be discharged in the face of danger. At Macoy, trifling as the affair was, for the shot, although they came into the nets, appear not to have hit the men, colonel Quentin has his reasons for not being present. In the first charge on the enemy on this day, colonel Quentin chooses to assign to himself (it is for the Court to say how properly) his own situation. When I was forming the divisions again on this day to meet the advance of the enemy, and actually did advance to charge them, colonel Quentin appears not to be present, although in the field. Then on the same day comes this occasion, when colonel Quentin disappears from the head of the column the moment it is under fire, and is not again seen by any officer belonging to it whilst the firing continues; surrendering it, in truth, into other hands, and leaving it without orders. It then appears, that captain de Grammont is forced to give it orders; and colonel Quentin is pleased to call this vivacity. I can tell colonel Quentin, it was a vivacity that saved the reputation of the regiment; and, from the way in which the French were advancing, perhaps the destruction of the column we were leading. I shall make no farther comments on the defence to this charge."

*\* Third Charge.*

"That on the 10th day of April, 1814, during the battle of Toulouse, in France, the said colonel Quentin, having the com-

Court having declared colonel Quentin not guilty upon this Charge, as well as upon the whole of the Second, and the

mand of the regiment, and the regiment being on that day in the presence of, and attacked by, the enemy, he, the said col. Quentin did not, during such attack, make such effectual attempts as he ought to have done, by his presence and his own personal exertions, to co-operate with, or support the advanced divisions of the regiment under his command; but neglected and abandoned his duty as commanding officer, leaving some of the divisions, when under fire from the enemy, without orders, and thereby unnecessarily hazarding the safety and reputation of those divisions: such conduct on the part of the said col. Quentin tending to lessen the confidence of the soldiers of the regiment in the skill and courage of their officers, being unbecoming and disgraceful to his character as an officer, prejudicial to good order and military discipline, and contrary to the Articles of War."

*Opinion of the Court.*

"With respect to the third Charge, the Court are of opinion, that colonel Quentin is not guilty.

*Colonel Palmer's Reply to colonel Quentin's Defence upon the third Charge.*

"In reply to colonel Quentin's Defence to the third Charge, I shall begin by stating the evidence I produced in support of it; and I think, except in the very immaterial point of whether colonel Quentin was present at the instant captain Fitzclarence was wounded, there is scarcely any difference between his statement and my proof.

"Colonel Quentin, it is proved, commanded the regiment; it was in a column of divisions across the road. Orders were given to charge a body of French cavalry; when the regiment came within a hundred yards of them, the enemy went about; the 10th followed them; and when nearly at the top of the hill, they came under the fire of the enemy's infantry, at a distance of about eighty yards, and the 10th halted. Colonel Quentin was at its head, and so were major Howard, captain Fitzclarence, and lieutenant Wyndham, when the firing began. As soon as it began, colonel Quentin was missing. Major Howard, who was left with captain Fitzclarence and lieutenant Wyndham, it is



Prince Regent having further been pleased to declare the opinion of the officers as to these Charges to be utterly void of foundation; I feel compelled, in justice to them, though most reluctantly, to make

sworn, then said to captain Fitzclarence, "what shall we do now?" Major Howard then sent lieutenant Wyndham to lord Edward Somerset for orders; and lieutenant Wyndham returned with the orders. He did not see colonel Quentin; and delivered them to major Howard. Captain Fitzclarence was about this time wounded. The regiment had then been under fire about seven minutes.

"The Defence admits that, when the firing began, colonel Quentin went into the field by the road side, to see what the nature of the attack was; that not being able to ascertain it, he came back to the road a short time before captain Fitzclarence was wounded; and then he appears anxious to contradict captain Fitzclarence's statement, that colonel Quentin was not present when he was wounded, as if that point was material to the question.—Now the Court will recollect that captain Fitzclarence gave his testimony to this fact, stating, that his memory of what happened at the instant of his being wounded, might be a little imperfect on account of the pain he suffered, but that he spoke to the best of his belief; and that, before he was wounded, meaning just before, he certainly did not see the colonel in front. I may here mention what perhaps may further account for captain Fitzclarence's want of recollection at this moment, as, just before he was wounded, his sword was broken by a ball close to the hilt, as he held it in his hand.

"Now the witnesses colonel Quentin has produced to contradict captain Fitzclarence, have certainly not done themselves much credit. No two of them speak alike, either as to colonel Quentin's situation or that of captain Fitzclarence. One of colonel Quentin's witnesses puts colonel Quentin to the front, another places him in a ditch under a bank: one witness has captain Fitzclarence wounded before the regiment halted; another, five minutes after the halt. Contradictory as this is, there are, however, these strong facts in evidence, namely, that colonel Quentin quitted the head of the regiment the moment it was under fire, leaving it without orders: that orders being deemed necessary, major Howard was forced to send

some further observations upon it. I must beg to read to the House a passage in my opening speech to the Court. [The hon. member here read it.\*] The officers here complain of the hardship of their

lieutenant Wyndham to lord Edward Somerset for them; and that colonel Quentin was not present when lieutenant Wyndham returned with lord Edward's answer, and that answer he therefore delivered to major Howard. In addition to these facts, there is colonel Quentin's admission of his absence. Now the Court must observe, that there is here another instance of colonel Quentin's quitting his post at the moment of danger; and I shall beg to ask the Court, whether the excuse for so doing is an officer-like excuse? Every man who has been in service knows the difficulty of keeping cavalry steady under a galling fire of infantry—it requires the best countenance and presence of the officers, and above all, of the commanding officer; and yet this is the moment colonel Quentin selects to go, as he says, to ascertain the strength of the enemy. Who saw colonel Quentin in the field he alludes to? He brings no man to state it. Had the object he affects to have had in view been necessary, lord Combermere and his staff, and lord Edward Somerset with his, were near to have effected it. I state then, without the hazard of contradiction, for colonel Quentin in this instance assumes no right to choose his situation, that colonel Quentin's pretence for his absence was unwarrantable, unofficer-like, and prejudicial to the service; and if the Court will add that to the catalogue I have already produced of the instances in which I charge colonel Quentin with preferring his safety to his duty, I have no fear but that the Court will agree with me in the language of the Charge which has been preferred against him."

\* "With respect to this Court-martial, I beg to declare, that nothing could have been further from their wishes, or less contemplated on their part: the utmost object they looked forward to, was that investigation or inquiry which would give them an opportunity of stating the facts, leaving to others, not themselves, to be the judges: and they cannot but feel the difficulty of their situation, in being compelled to bring forward an accusation against their commanding officer, of so general a nature as that of incapacity, and want of zeal in the performance of his

case, in being compelled to bring forward charges against colonel Quentin, when their only object was to justify themselves, and leave others to determine upon the conduct of their commanding officer; but did not this declaration of the officers, as to the general misconduct of colonel Quentin, both in quarters and the field, of which they had only selected particular instances as the Charges, imperiously call upon him to disprove it, by producing evidence of his good conduct on other occasions during the campaign? But not a single witness did he summon to speak to any fact as to his general character; whilst, on the other hand, I could have proved, that in every other instance during the campaign that he was in presence of or near the enemy, he betrayed more or less the same incapacity and want of zeal he had shewn in the cases which had been brought forward.

I shall now read the Fourth Charge, with the Opinion of the Court, and their Sentence upon the whole. [The hon. member here referred again to the proceedings\*.]

duty, whilst they are precluded from bringing forward any other facts or circumstances in proof of that accusation, excepting those particular instances which have been selected as the charges to be substantiated by all those rules of evidence, which, however necessary for the purposes of conviction, may be more than necessary to justify the opinion of misconduct.

"Thus situated, they can only state the motives by which they have been actuated, and declare, that had colonel Quentin, by his general conduct in the command of his regiment, either as relating to its active service or its interior discipline, entitled himself to their confidence and respect, it would have been as little their inclination as their interest to have availed themselves of any partial errors he might have committed; but where no such consideration has been raised, and they have been reduced to the alternative of either sharing in the disgrace brought on the regiment, or standing forward as his accusers, they trust no unworthy motives will be attributed to their conduct."

\* *Fourth Charge.*

"For general neglect of duty, by allowing a relaxed discipline to exist in the regiment under his command when on foreign service, by which the reputation of

The Court having found colonel Quentin guilty upon this Charge, although they have not felt themselves called on to affix

the regiment suffered in the opinion of the commander of the forces, and of the lieutenant-general commanding the cavalry; their displeasure having been expressed, or implied, in a letter from the adjutant-general of the forces on the continent, addressed to major-general lord Edward Somerset, commanding the hussar brigade, dated on or about the 29th of March, 1814; and in the orders of the lieutenant-general commanding the cavalry, dated the 26th of February, 1814: such conduct on the part of the said colonel Quentin being unbecoming his character as an officer, prejudicial to his Majesty's service, and subversive of all order and military regulation and discipline, and contrary to the articles of war."

*Opinion of the Court.*

"With respect to the fourth Charge, the Court are of opinion that a relaxed discipline, as set forth in that Charge, did exist in the regiment under colonel Quentin's command, whilst on foreign service, during the period alluded to in the letter and orders referred to in the Charge; and as they cannot but consider the commanding officer of a regiment to be responsible for such relaxation of discipline, they therefore think themselves bound to find colonel Quentin guilty to the extent of 'allowing it to exist;' but as they consider the letter from the adjutant-general to the troops on the continent, of March 30th, 1814, expressing the displeasure of the commander of the forces, as a reprimand to colonel Quentin adequate to the degree of blame which attached to him, the Court do not feel themselves called upon to give any sentence upon this Charge in the way of further punishment; and they consider that any thing unusual in this determination will be explained by the singularity of the circumstances attending this Charge, by which an officer is put upon his trial for conduct which had before been the subject of animadversion by those under whose command he was then serving, but which at the time was not considered deserving of a more serious proceeding by the commander of the forces; nor does it appear to have been made the subject of any remonstrance or request for a more serious investigation on the part of the officers of the regiment.

any punishment to it, it is unnecessary for me to trouble the House any further on the subject. I shall, therefore, come at once to the observations upon which I have grounded the present motion; and here I must beg permission of the House to refer to the evidence, to prove that such observations, which have been made the ground of the censure and disgrace inflicted upon the officers, are totally unfounded. [The hon. member here read over the evidence of lord Combermere, commanding the cavalry; lord Edward Somerset, the general of the brigade; col. Gardiner, of the horse artillery, who was attached to it; and the brigade-major, Jones.\*] And what said the hon. member,

"The Court having found the prisoner guilty of so much of the first Charge as is above expressed, and so much of the fourth Charge as is above recited, with the reasons which induce the Court to feel they are not called upon to affix any punishment to the last mentioned Charge, do only adjudge, with reference to the first Charge, that colonel Quentin be reprimanded in such manner as his royal highness the Commander in Chief shall be pleased to direct."

\* *General the Right Hon. Lord Combermere sworn.—Examined by Colonel Palmer.*

Your lordship commanded the cavalry in the Peninsula, under lord Wellington?—Yes.

Is this a copy of an Order issued by your lordship to the cavalry? [shewing the Order to his lordship].—Yes, it is.

May I take the liberty of requesting your lordship to state to which regiment and commanding officer you meant this Order particularly to apply?—That Order was issued in consequence of the irregularity of the 10th Hussars at or near Salice: the Order was issued the day after.

The commanding officer at that time was colonel Quentin?—Colonel Quentin commanded the regiment at that time.

Had not your lordship occasion to converse from time to time with the major-general in command of the brigade, on the state of the 10th regiment?—I have conversed with lord Edward Somerset.

Had your lordship an opportunity of observing the conduct of the regiment, previous to colonel Quentin joining it?—Yes; that brigade was near me at Barends and Olité: major Roberts commanded the regiment.

Has colonel Quentin produced in opposition to all this body of evidence? Not a single witness! for his own witnesses, on cross-examination, only confirm the Charge against him. Lord Combermere's evidence alone convicts him, and justifies the conduct of the officers from the imputations of the Court: his lordship declares colonel Quentin to have been the sole cause of the want of discipline and complaints against the regiment, which did not exist before his arrival; speaks in the highest terms, and from his own personal knowledge and observation, of the zeal and attention of the officers to their duty; and that upon no occasion did colonel Quentin attempt to justify his own mis-

What was your lordship's opinion of the state of discipline of the regiment at that time under major Roberts?—I do not recollect having any complaints of the want of discipline in the regiment under major Roberts.

Does your lordship recollect the letter of the 30th of March, that was sent from the adjutant-general to lord Edward Somerset?—Yes, I recollect receiving a duplicate of that letter from the adjutant-general.

Did your lordship speak to the major-general upon the subject?—Yes; I had a conversation with him upon the subject.

Will your lordship be pleased to state the instructions that you gave to lord Edward upon that occasion?—I wrote to lord Edward Somerset, and I had also a conversation with lord Edward Somerset upon the subject. I desired lord Edward would assemble the officers, and read that letter to them. I think I told him, that as there was no amendment, or likely to be, in the 10th, that I should write home on the subject, stating that colonel Quentin, from a bad state of health, or some cause, appeared unfit to command a regiment of light cavalry on active service; but the war being over a few days afterwards, I did not think it necessary to take any further notice. I cannot recollect the whole of the conversation; I said a great deal more to him.

Has not your lordship repeatedly expressed your dissatisfaction at colonel Quentin's conduct in the command of the regiment to major-general lord Edward Somerset?—I certainly had frequent occasion: and I always told lord Edward, I thought colonel Quentin was in a bad state of health; that probably it was

conduct, by throwing any blame upon them. But the evidence of lord Edward Somerset is much stronger as to this point;

owing to that; but that he did not appear fit to command a regiment of light cavalry on active service.

*Judge Advocate General.* I am sure no interruption will be given on the other side without occasion, and perhaps it is not altogether necessary to make an alteration in the question, as the information might be got at in another way, though certainly the question is not quite regular. Lord Combermere might be asked his opinion, but not what he stated to another officer: it would come to the same thing; but I state this to point out generally the way in which it strikes me that, under this Charge, lord Combermere's opinion of the want of discipline and the causes of it may be perfectly regular evidence. What lord Combermere expressed to be his opinion elsewhere, unless colonel Quentin was present, would not be evidence; but the same end will be attained in the way I propose, and it will appear more regular upon the minutes.

*Lieut. Gen. Sir Sam. Auchmuty.* It may be brought regular, by asking his lordship whether he retains the same opinions as he then expressed?

*Col. Palmer.* Will your lordship state your opinion of the general conduct and character of the officers of the regiment, as far as you had an opportunity of observing them?—I had an opportunity of seeing a great deal of the officers of the 10th in quarters, and in the field; and I must say, I never met with a finer corps of officers; and I do not think there were ever officers better disposed or more zealous, or officers I should like better to command, than the officers of the 10th Hussars: that was my reason for thinking still that it was not their fault, but the fault of the commanding officer, that the regiment was not in the high state of discipline which it ought to be latterly.

May I ask your lordship whether, in consequence of your order of the 26th of February, colonel Quentin ever made any complaint to you of the conduct of the officers; or whether lord Edward reported to you that colonel Quentin had ever made any complaint to him of that nature?—No; I never heard of any complaint made by either lord Edward or colonel Quentin.

Does your lordship recollect my taking  
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for, although his lordship states that he did not follow the instructions of lord Combermere, by reading the adjutant-general's

the liberty of waiting upon you, to justify myself from the censure that was thrown upon the regiment by my lord Edward Somerset?—After the adjutant-general's letter, I remember your calling upon me one morning at Tournefeuille near Toulouse, and I recollect your saying you hoped I did not throw any blame upon you or the other officers of the regiment. I do not exactly recollect the whole of the conversation.

Did I not state to your lordship the particular circumstances under which I was placed, which prevented my coming forward as I should have done, had I been in any other regiment but that to which I belonged?—Yes; I do recollect your saying that certainly.

Did not your lordship approve the motives by which I was actuated, and promise to take an opportunity of making such representations as would render an appeal on my part unnecessary?—I believe I stated to you then, that if those irregularities went on, I should be obliged to write home upon the subject.

Did I ever complain to your lordship of colonel Quentin's conduct in any respect, except as relates to the Charge upon which you are now called?—No.

#### *Cross-examined by Colonel Quentin.*

Was the letter of the 30th of March a private or a public letter?—The letter to lord Edward was public: what general Pakenham sent to me was a duplicate; that was in a private letter.

*Col. Palmer.* You considered the letter itself public; but the duplicate was enclosed in a private letter to you?—Yes, to the best of my recollection it came enclosed in a private letter.

*Col. Quentin.* Had you any means of knowing whether the letter of the 30th of March was ever read to any other officers of the regiment except colonel Quentin?—I desired lord Edward Somerset would read it to colonel Quentin and the officers of the 10th Hussars; that he would assemble them for that purpose; and I had reason to think lord Edward Somerset attended to my directions.

Did you ever communicate to colonel Quentin that you were not satisfied with his mode of commanding the regiment?—I do not recollect stating that clearly to  
(T)



neral's letter, at the head of the regiment, and only communicated lord Wellington's displeasure at the misconduct of the regiment in general terms (and it was this

him. I recollect on several occasions I have spoken to colonel Quentin on not turning out his regiment quick, and not moving off his baggage in time; at other times I complained to the general officer commanding the brigade. I certainly spoke to colonel Quentin more than once, in respect of the regiment not turning out quick enough, and not getting its baggage off in time. I frequently spoke to lord Edward Somerset on the state of the regiment.

*Major General Vicars* Did colonel Quentin report his bad state of health to your lordship, or ever decline any duty on account of bad health?—I do not recollect colonel Quentin being reported unfit for duty; but he appeared to me not to be in a good state of health; and I attributed his want of energy more to that circumstance than to any thing else: and I had heard that he was in a bad state of health. That I may not be supposed to have said that behind colonel Quentin's back which I did not say to his face, I wish to call to his recollection what I said to him about a league on the other side of St. Germe, where I spoke my mind very freely to colonel Quentin on the slow turning out of the baggage, and telling colonel Quentin how very ill the regiment was commanded, how long they were performing the duty, and how very much displeased I was with his conduct. As colonel Quentin chooses to put that question to me, I must answer as to every thing I recollect on that subject: the regiment was not very alert; but that which I then spoke about, was the slow turning out of the baggage.

*Major General the Hon. G. De Grey.* I wish to put one question relating to the other two Charges, before lord Combermere retires, when the evidence on this charge is concluded.

*Col. Quentin.* Did not colonel Quentin then state to you, that the regiment was very much dispersed, and the roads very bad, on the day you allude to?—I recollect colonel Quentin making an excuse, but I deemed it an insufficient one: other regiments, which were in a similar situation, both then and before that, turned out a great deal quicker; and I thought no previous arrangement had been made

that called upon the officers to justify themselves from the censure); yet his lordship admits, that, upon reading this letter privately to colonel Quentin, he

by the commanding officer for the turning out of the baggage: they did not know where to go; they were going different ways, and might have been taken by the enemy; there had been no previous arrangements made by the commanding officer of the regiment, to whom I looked. I conceive there was no sufficient reason why the baggage should not have been in its proper place at the time I expected it.

*Major General the Hon. G. De Grey.* Did you witness the operations of the 10th Hussars on the 28th of February and the 10th of April last, when engaged with the enemy?—I could not particularly attend to the 10th Hussars, or to the commanding officer, so as to give an answer; the officer commanding the brigade would best answer to that.

Did you observe any misconduct on the part of colonel Quentin in the command of his corps on those days?—There were a great many regiments there; I could not possibly observe the conduct of the officer commanding any particular regiment; the officer commanding the brigade would be best able to answer that question. I can only say, lord Edward did not report any misconduct on the part of colonel Quentin to me on those days.

*Lieut. Gen. Sir Samuel Auchmuty.* Lord Edward Somerset was the channel of communication to colonel Quentin, and therefore you did not speak to him personally upon the complaints made to you?—Certainly; lord Edward Somerset was the general channel of communication.

*President.* You did not particularly observe the conduct of colonel Quentin on the two days referred to by the question; nor was any complaint made to your lordship by lord Edward Somerset of his conduct?—Just so.

*Judge Advocate General.* You will now, I suppose, put in the letter of the 30th of March.

*Col. Palmer.* Yes, this is it [producing it].

*Judge Advocate General.* I will just hand it over to the other side, as it is a copy, to see whether they admit it to be correct; or it may be shewn to lord Edward Somerset.

did not attempt to defend himself from so disgraceful a charge, by complaining of the conduct of the officers;

*Major General Lord Edward Somerset sworn.  
—Examined by Colonel Palmer.*

Is this a copy of the letter your lordship received from the Adjutant General, dated the 30th of March, 1814? [shewing the letter to his lordship.]—I believe that to be an exact copy, to the best of my recollection.

The letter was read as follows :

*“ Adjutant-General’s Office,  
Scyes, 30th March, 1814.*

“ My Lord ; I inclose a Charge, given in by an officer of the staff-corps, against serjeant M. Robinson of the 10th Hussars, who appears to have been arrested by order of lieutenant-colonel Stovin, for allowing the soldiers under his charge to plunder the house of an inhabitant.

“ I have written to colonel Stovin for the particulars of this instance of want of system and discipline in the 10th Regiment; and should the evidence prove sufficiently strong to substantiate the Charge, I shall beg of your lordship to cause serjeant M. Robinson to answer for such omission on his part before a general regimental court-martial; for holding which, I now send the necessary warrant for the appointment of a judge-advocate, which I have to beg you will further cause to be filled up by the name of an officer of the corps competent to perform the duties of that office.

“ I am commanded by my lord Wellington to take this occasion of mentioning, that the complaints are so general against the 10th Hussars, and so extremely discreditable to the regiment, and prejudicial to the interests of the army, it is requisite you should immediately adopt measures to re-establish that discipline which is necessary to good order, but which has been, allowed to relax in an unpardonable degree under the command of lieutenant-colonel Quentin.

“ Your lordship will be so good to communicate to the lieutenant-colonel the Field-marshal’s displeasure at having to notice irregularities it was in his power to have prevented; and that a recurrence of such breach of regulation and good order will convince his excellency that lieutenant-colonel Quentin is unequal to control a regiment of the first pretensions.

“ You will be pleased to assemble the officers, and explain the necessity of their

nor did he complain of them upon any other of the many occasions upon which lord Edward states he spoke to him

daily ascertaining the conduct of their soldiers; and should the inhabitants have been aggrieved or injured, they must immediately be redressed, and every damage paid, without the discreditable references that now appear indispensable on the part of the claimants. I have, &c,

(Signed) “ E. M. PAKENHAM.

“ Adjutant General.

“ Major General Lord E. Somerset, &c.”

Does your lordship recollect assembling the regiment in consequence of the letter just read, and communicating to the whole of the officers the field-marshal’s sentiments upon their conduct?—Having previously shewn that letter to colonel Quentin, I assembled the officers on the following morning, and expressed to them my sentiments on the points adverted to by that letter.

Does your lordship remember my waiting upon you after the parade, and requesting to know from your lordship, if I was to consider myself implicated in the general censure cast upon the regiment?—I remember colonel Palmer waiting upon me after the parade, and speaking to me upon the subject now mentioned. My answer was, that I was perfectly well satisfied as to his zeal and attention to the good of the regiment.

Does your lordship remember my stating to you certain reasons for not having addressed you upon the parade?—I cannot call to mind what passed upon that particular subject. Colonel Palmer might have mentioned to me reasons for not addressing me upon the parade, but I cannot call them to mind at this moment.

What answer did colonel Quentin give your lordship, upon your communicating the contents of that letter?—Colonel Quentin expressed his regret that he should have incurred the displeasure of the commander-in-chief; and expressed his general anxiety to maintain the discipline of the regiment.

Did colonel Quentin complain in any manner to your lordship of his not having been supported by the officers?—I do not recollect that he did.

Does your lordship recollect the late captain Gordon waiting upon you in behalf of himself and the rest of the officers, upon the same subject?—Yes, I do.

upon the discipline of the regiment. Whilst, on the other hand, his lordship declares, that he had every reason to be

What answer did your lordship make to captain Gordon?—Captain Gordon waited upon me immediately after I had dismissed the regiment, and expressed to me that he and other officers of the regiment (meaning principally to refer to the captains) were hurt at some expressions I had made use of in addressing the regiment, conceiving that I attributed blame to them in the execution of their duty. I answered him, that having a high opinion of captain Gordon, (which I had) it was far from my wish to make use of any expressions that might hurt his feelings; but that I felt it necessary to advert to all the points which I did in addressing the officers, and to recommend generally a strong support throughout the regiment to the commanding officer: that, cantoned as the regiment constantly was in dispersed villages, unless the commanding officer was properly supported by every officer under his command, it was impossible for him to maintain discipline, and therefore I had thought it necessary to point out the duty of every one in addressing the regiment.

Did your lordship mean captain Gordon to consider that as a general instruction from your lordship to him and the rest of the captains; or in any manner to be considered as implying a doubt, upon your part, of their having performed their duty, and supported their commanding officer?—I had explained very fully, when I assembled the officers, my instructions to them. What I said to captain Gordon, was an explanation to him; and I certainly meant to impress upon the officers, that when troops were scattered over a great extent of country, a great deal necessarily depended upon the troop-officers.

Your lordship remembers the order of the 26th of February from sir Stapleton Cotton; the general cavalry order?—Yes, I do.

Did your lordship speak to colonel Quentin in consequence of that order?—Yes, I did.

Did colonel Quentin at that time make any complaint of not having been supported by the officers?—I do not recollect that he did.

Had your lordship any other conversation with colonel Quentin previous to the general order of the 26th of February, and

satisfied with the zeal and attention of the officers to their duty. Now, Sir, can any thing be more conclusive than this evi-

the letter that you received from sir Edward Pakenham, dated the 30th of March?—I have had, at different times, several conversations with colonel Quentin on the discipline of the regiment.

What was your lordship's general opinion of the conduct of the officers?—I had every reason to approve of the general conduct of the officers: they appeared to be zealous and attentive to their duty.

*Cross-examined by Colonel Quentin.*

With respect to this letter of the 30th of March, did you not state to colonel Quentin, that the letter was not a public one, and that you could not give it to him?—I do not recollect that I stated that to colonel Quentin; but I considered the letter as a letter not to be put into public orders: a letter for my instruction from the commander of the forces; but not such a one as I should make public in the brigade.

Did not colonel Quentin ask to have the letter?—Colonel Quentin might have asked me for the letter, but I do not positively recollect it.

Do you know whether any general court-martial ever assembled on the conduct of serjeant M. Robinson of the 10th Hussars, who is alluded to in the letter of the 30th of March?—I directed colonel Quentin to make an inquiry into those circumstances, and to report to me thereupon; and his report I sent to the adjutant-general sir Edward Pakenham.

Have you any means of knowing, that neither serjeant Robinson, nor any other person of the 10th Hussars, had committed the violence stated in that letter?—Colonel Quentin, in his report to me, considered serjeant-major Robinson not to have been guilty of what was charged against him; and from the circumstances stated in his letter, I had reason to acquiesce in that.

*Re-examined by Colonel Palmer.*

Did I ever, upon any occasion, express an opinion to your lordship of colonel Quentin's conduct, except upon the subject of the present charge relative to the want of discipline in the regiment?—I had occasional conversations with colonel Palmer upon the state of the regiment; from which it appeared that he was not

dence; and can it be supposed for a moment, that if colonel Quentin had had the slightest ground of complaint against

satisfied with the manner in which the discipline was carried on. In no other respect did he express himself dissatisfied with colonel Quentin.

*Major General the Hon. T. Mahon.* Did you consider the relaxed state of discipline of the 10th Light Dragoons, to be principally ascribable to the inattention and want of exertion of the officer in command of the regiment?—I considered the relaxed state of discipline of the regiment to be principally attributable to the want of a proper system being maintained, and to the want of a proper arrangement in carrying on the duties.

*Major General the Hon. De Grey.* Did you witness the operations of the 10th Hussars on the 28th of February, and the 10th of April last, when engaged with the enemy; and did you observe any misbehaviour in colonel Quentin, in his capacity of commanding officer of that corps, on either of those occasions?—I witnessed the operations of the 10th Hussars on both of those days; but I did not observe any misbehaviour on the part of colonel Quentin.

*Major-General Buller.* Did your lordship, from personal observation, or otherwise, attribute the want of discipline of the 10th Hussars, to individual want of energy in the commanding officer of the regiment?—I did not observe any want of attention to any directions, or orders from me, in the commanding officer of the regiment; but I conceived, that at times there was a want of activity on his part.

*Colonel Quentin.* Did you communicate to the officers only a part of that letter, or the whole, including that part relating to colonel Quentin?—I did not communicate the whole of the letter, nor any part of that which related to colonel Quentin. I expressed merely to the officers the displeasure incurred with the commander of the forces; and addressed myself to them at some length on the discipline of the regiment, and on the manner in which the duty ought to be carried on.

*Major-General the Hon. De Grey.* I do not know whether it is material; but there was a direct question put by colonel Palmer, on the subject of the Court-martial. I do not think it directly appears that that Court-martial did not assemble.

*Judge Advocate General.* Thus much

the officers, that he would not, upon these occasions, have stated them, in justification of himself? But the fact was, he

appears, that a report was sent in by colonel Quentin, which was transmitted to the adjutant-general, that contained a statement, from which colonel Quentin inferred that Robinson was not guilty; and lord Edward Somerset acquiesced in that.

*Major-General the Hon. G. De Grey.* I do not know that it is material; but it was a direct question.

*President.* Your lordship transmitted to the adjutant-general the report, that the man was not guilty; and that you acquiesced in that opinion?—Yes. The answer I received to the report I sent to the adjutant-general was, that it appearing from the inquiry that had been made, that the man was not guilty, it was not required that he should be brought to a court-martial.

*Major-General Grant sworn.—Examined by Colonel Palmer.*

Be pleased to state to the Court the period that you were in the command of the Hussar brigade on the peninsula.—I commanded the Hussar brigade from the period of its arrival at Lisbon until it reached the Pyrenees, from the beginning of February till the 3rd of July, 1813: I mean to say, that the first part of the brigade arrived early in February; the last part arrived the 12th, 13th, and 14th, of February.

Were you satisfied with the appearance and conduct of the 10th regiment at Lisbon, and previous to its march to join the army?—The regiment landed in very fine order from England.

Do you recollect inspecting the regiment in marching order, previous to its leaving Lisbon?—I did inspect the regiment on the sands near Balam Castle.

Do you recollect the opinion you expressed of the regiment on that occasion?—I do not recollect the exact expression I might use; but I remember what I thought of the regiment. The men were physically good subjects, healthy, and well appointed; the horses were well selected, and in very fine condition.

Were you satisfied with the conduct of the men during that period?—The men generally behaved remarkably well. There were occasional instances, perhaps frequent instances, of intoxication;



knew better than to make an insinuation which would have produced the inquiry he shrank from; nor, on the other hand,

but the general conduct of the men was good.

At what period do you mean that those instances of frequent intoxication occurred?—During the time when the regiment was in the barracks at Balam.

Did you not express yourself satisfied with the conduct of the officer in command of the regiment at Lisbon?—Yes, I did.

*President.* You may save another question, by putting down who was the commanding officer.

*Col. Palmer.* I had rather not.

*Major-General Grant.* Colonel Palmer was the commanding officer at Balam.

*President.* I admire colonel Palmer's delicacy in abstaining from asking it; but it would of course be asked by some member of the Court.

*Lieut.-General Champaigne.* Were you, in every respect, satisfied with the conduct of the commanding officer?—In every respect the commanding officer appeared to be remarkably attentive to his duty.

*Col. Palmer.* Did you continue to be satisfied with the conduct of the regiment up to the period of your leaving the brigade?—The conduct of the regiment during the whole of the march from Lisbon to Olité, where I gave up the command, was remarkably good: there were occasional instances of little irregularities, but which did not militate against the general conduct of the regiment.

Under whose command was the regiment when you quitted the brigade at Olité?—The regiment was under the immediate orders of major Roberts of the 10th Hussars.

*Colonel Gardiner sworn—Examined by Col. Palmer.*

You commanded a troop of horse artillery on the Peninsula, under lord Wellington?—I did.

When were you first attached to the Hussar brigade?—On the 1st of June, previous to the affair of Moralles.

How long did you continue with it?—I continued with the brigade till after the battle of Toulouse, when the army marched for embarkation.

You had frequent opportunities of observing the regiment during that period?

would the officers have sought it, but from a conviction of the propriety of their own conduct, and that they were called upon to

—I moved continually with the regiment. I had almost daily opportunities.

Do you remember the arrival of col. Quentin?—Yes.

What was your opinion of its discipline previous to his arrival?—I considered it exemplary: it was the admiration of the army.

Did you observe any change in the discipline after the arrival of colonel Quentin?—I most certainly did.

Did you at any period, whilst attached to the brigade, occupy the same cantonments with that regiment?—I was cantoned at Tafalla with them, from the 12th of August to the 1st of November, 1813.

Did you ever hear the officers of the regiment complain of colonel Quentin for not attending to their reports and representations of the misconduct of the men, and of his disregarding those reports, and declining to punish them?

*Judge Advocate General.* I am afraid that question can hardly be put, whether colonel Gardiner heard any complaints made in respect of that, unless it was in the presence of colonel Quentin; if any officer has any such complaint to make, he should state it here. Colonel Gardiner may state that he heard those complaints; but it is impossible from that to say whether the complaints were correct.

*Colonel Palmer.* I will withdraw it then.

*Lieut.-Gen. Sir Samuel Auchmuty.* Unless it is intended to ask who the officers were, and then to call them.

*Judge Advocate General.* Then it is so much loss of time.

*Colonel Palmer.* I will put it in another way. From your personal acquaintance with the officers, previous and subsequent to the arrival of colonel Quentin, are you of opinion that the relaxation of discipline proceeded from any want of zeal on their part?—On the contrary, from my personal intimacy with the officers, I had every opportunity of knowing their zeal and interest in the character of the regiment.

Were they the same officers under col. Quentin, and colonel Roberts?—They were the same, with a few exceptions, on the arrival of officers from England subsequent to that.

justify themselves from the general disgrace brought upon the regiment? Colonel Quentin certainly stated in his Defence, that he could prove numerous instances

*President.* They were in general the same?—Yes, they were; there were a few arrivals from England.

*Col. Palmer.* You have stated to the Court, that you observed a change of discipline subsequent to colonel Quentin's taking the command: will you now state the points in which you consider that change to have consisted?—I think it consisted in the total loss of condition of the horses, in the slovenly appearance of the men, I mean as to their appointment and equipment, in their irregularity and straggling on the march, and particularly in the failure of assembly of the Regiment at the place of rendezvous of the brigade, previous to the day's march.

Can you state any particular instances to the Court?—It happened so repeatedly, that I really cannot precisely state any period; but the impression upon my mind of their being late is that, sometimes three times a week, I had occasion to wait, with the other corps of the brigade assembled, for the 10th Hussars. I remember one instance particularly, before crossing the Adour, two days after the battle of Orthes, to the best of my recollection, we waited a long time there. I speak of that generally; it was a thing that occurred three times a week.

Did you ever know instances of its being productive of inconvenience to other parts of the army in the column of march?—I have known the Hussar brigade sometimes detained an hour subsequent to the hour of march; I have known a division of infantry, and sometimes two, obliged to proceed, and file a-head of the brigade; and after they had passed that, the Hussar brigade, in consequence of being detained, has had to trot out, to recover their place in the line of march; I should think very much to the inconvenience of the troops, and certainly exhausting the horses to no purpose.

Do you mean to impute the fault on these occasions to the brigade in general, or to the 10th in particular?—To the 10th Hussars in particular. It was the custom to name a place of rendezvous to the brigade, previous to its march on the following day; and I have known the 17th and 15th, and my own troop, wait for the 10th; that is what I mean.

of want of co-operation on the part of the officers; but why did not he prove them? and what could have been easier, had it been the fact? Why did he not call upon

*Brigade-Major Jones called again.—  
Examined by Col. Palmer.*

During the whole period that you were with the Hussar brigade, had you not constant opportunities of observing the conduct of the 10th Hussars?—Certainly.

What was your opinion of its state of discipline, from its first landing at Lisbon to the period of its march to join the army?—When the regiment disembarked at Lisbon, it was certainly in good order; but the conduct of the men after the landing was but very indifferent.

State what their conduct was after their first landing?—Immediately after their landing, I thought the conduct of the men was bad, the state of the regiment was good, and their appointment, and so on. During their march up the country, the regiment was in very good order, I conceive, and the behaviour of the men good.

Can you state if any change, and what, took place in the conduct of the men during the time they were at Lisbon, and what was the state of the regiment previous to its leaving Lisbon?—I have already said, the conduct of the men was very indifferent on their landing at Lisbon: previous to the regiment leaving Lisbon, it certainly became in better order, as far as their conduct was concerned. The behaviour of the regiment was good, on their march up the country.

What did you consider to be the discipline of the regiment, shortly previous to colonel Quentin arriving and taking the command?—At the time it was under major Roberts?

At the time of the affair of Moralles, for instance?—I conceive the regiment was in good order; immediately before colonel Quentin's arrival, the regiment certainly was in good condition.

Did you perceive, from the period of the regiment landing at Lisbon to that of col. Quentin's arriving to take the command, any want of exertion on the part of either of the commanding officers?—No, certainly not.

Did you observe any change in the discipline of the regiment, and in the conduct of the commanding officer, after the arrival of colonel Quentin?—Yes, cer-

major Howard and the other officers, who, he states, refused to sign the letter to the Regent? why did he not call upon the quarter-masters, non-commissioned officers, and privates, to prove this assertion? He had ransacked the whole regiment, and under all the circumstances of the case, could there be a question of his finding evidence to prove any fact he wanted? Indeed, so great was his influence and exertion upon the occasion, that, although he dared not call upon these witnesses in his defence, he so managed matters as to prevent me from calling upon them, as I had determined, in aid of the prosecution. The fact was, that immediately on being appointed the Prosecutor, I examined the serjeant-major (who, as the acting adjutant of the regiment on service, was a most material witness), and obtained the depositions of the quarter-masters, who, from their situations, could have given the strongest evidence as to the misconduct and want of discipline in their troops,

tainly; a very great change took place in the discipline of the regiment, a short time after colonel Quentin's arrival.

Were you not with the head-quarters of the brigade at Tafalla, the whole time the regiment was stationed there?—Yes, I was.

At what period was that?—August, September, October, and part of November.

Will you state in what respects?—The regiment certainly became slovenly, and the conduct of the men very bad; drinking, and behaving extremely irregularly, and apparently very inattentive to their duty.

Have you not reason to know that the want of discipline in the men was not checked by colonel Quentin?—I have some reason to believe certainly, it was not to the extent that it ought to be.

Can you state any particular instance that occurred to your own personal knowledge?—I do remember two or three instances: the one was a circumstance that occurred with a man on duty at my door, as an orderly. I cannot recollect the man's name: but I sent him to the acting adjutant of the regiment, and gave him into confinement, under charge of the adjutant, and desired him to report to colonel Quentin the state the man was in: he was excessively intoxicated upon his post: he was orderly sentinel at the brigade major's

and could have stated how far the blame was to be attributed to the captains or the commanding officer: nothing could be more satisfactory than their first statements, particularly that of the serjeant-major, who was actually my principal evidence upon the fourth Charge, and whom I preferred even to the officers, who, as the parties at issue with colonel Quentin, might be considered prejudiced; and yet, such was the difference of their evidence upon a second examination, after they had seen colonel Quentin upon the subject in London, that I was obliged to abandon the whole; out of all the quarter-masters, there was but one I found I could depend on, and I did not chuse to bring him singly; but it so happened, that this was the very man colonel Quentin called upon in his defence, and whom he had better have let alone, as nothing could be stronger than his evidence against him.

The only part of the whole proceedings which could induce the slightest idea that

office. I was afterwards informed that the man was confined in the first instance, but that he was not punished.

*President.* Was he tried?—Certainly not. I had, in one or two instances before, sent off men in a similar state from the door of the office, intoxicated on duty; and learning that they received no punishment, I stated the matter to lord Edward Somerset, commanding the brigade, who desired, if it occurred again, that I would make an official report of the circumstance.

*Col. Palmer.* Do you not conceive the circumstance of the orderlies being drunk on their posts, is a very strong instance of the want of discipline in a regiment?

*Judge Advocate General.* The Articles of War say, that it subjects to death.

*President.* You might put the question in this way. Do you not think that the circumstance of an orderly drunk on his post, when reported to his commanding officer, not being tried, and punished, is a relaxation of discipline?—I think it shews a great want of order and regularity.

*Major Gen. the Hon. T. Mahon.* From your personal observation, did you attribute the relaxation in discipline of the 10th Hussars, to the want of energy or activity in their then commanding officer?—Certainly. As far as my opinion went, I thought colonel Quentin did not take those steps that he ought to have done.

colonel Quentin was not supported by the officers in maintaining the discipline of the regiment, was that of the regimental Orders, which he produced in his defence; and this consideration could only weigh with those who had not attended to the rest of the evidence; but as it was not for me to impute such neglect to the Court, I thought it quite unnecessary to take up their time by making any comments upon them; yet, after the observations made by the Court, and having in vain looked through the whole of the proceedings for a particle of evidence to justify them, I can no otherwise account for it; and so far I must say, that with those who have not heard or read the evidence, it is impossible to look at these Orders, and believe that any commanding officer could be capable of issuing them without some grounds of complaint against the officers under him. But so it was in this instance; and if the House will permit me to read and explain them, I trust to prove these Orders to be an aggravation of colonel Quentin's guilt upon this Charge, by shewing the duplicity of his conduct. The first Order is dated Tafalla, August 13th, 1813, and runs thus: "Lieutenant-colonel Quentin particularly cautions the men against losing any part of their arms or accoutrements; he is determined to make them pay for the loss of the same; and also will make an example of any man who is so neglectful as to occasion a report so disgraceful to be made to the commanding officer."—In the first place, nothing could be more ridiculous than colonel Quentin holding out this threat of punishing the men for losing their arms, at the very time he was overlooking the most flagrant crimes that soldiers could be guilty of, and suffering all that drunkenness and insubordination which occasioned the disgraceful censures upon the regiment by lord Wellington, and in the General Orders. But I cannot dismiss this subject of the arms, which he pretends to be so careful about, without mentioning it as an instance of his incapacity and neglect of the real interests of the regiment. The fact was, that these very arms he speaks of were reported unserviceable, in the return of the regiment from Spain, after the campaign under sir John Moore; for so long back as in that campaign, they had been found to be totally useless, and only an incumbrance to the men; and yet, during an interval of five years, the regiment being liable every moment

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to be ordered abroad again, colonel Quentin takes no steps whatever, nor makes the least exertion to obtain new arms in the place of these unserviceable ones, nor even after the regiment had received orders to prepare for immediate service; at which time he was in the command of it, and made every other arrangement he thought necessary. But, upon his giving up the command to me, a few days only previous to our marching for embarkation, I lost not a moment in applying for proper arms; and made such strong representations on the subject, that I succeeded in obtaining an order for entire new arms, upon a different construction; and which, on their arrival, were found so much superior to those of the other regiments in the brigade, that as our own regiment became reduced in numbers, from sickness and other causes, our spare arms were ordered to be delivered up to the other regiments, to replace those of the same description which I have mentioned as being entirely useless: and yet, with all the precautions contained in this Order of colonel Quentin's relative to these useless arms, when the new ones afterwards arrived, which had been obtained by my application, and which, from being rifles, required particular instructions to be given to the men for the care of them, he neglected issuing any order for the purpose, and actually so conducted himself respecting them, as to induce a belief that he wished to destroy their credit, and render them as unserviceable as the old ones.

The next Order is dated the 1st of September, and runs as follows: "Lieutenant colonel Quentin requests captains of troops will immediately squad their troops; and where there are more than one subaltern to a troop, each will take an equal proportion; and as they will be responsible to the captain for their squad, they will at least visit their squads twice in each day, at which time they will inspect the arms, ammunition, horse appointments, &c. as also will see the men's messes are regular: any irregularities are immediately to be reported to the captain of their respective troops. The officer of the day will be present at guard-mounting, and will visit and inspect the guard once during the day, and once after ten o'clock at night; he will also visit the hospital and workshops, to see every thing is regular, and report of his having done so in his guard-report: any irregularities he may ob-

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serve during the day, is immediately to be reported to the captain of the day. The commanding officer begs captains of troops will see the above Orders most strictly complied with."

As for this Order, with respect to the instructions to the captains to squad their troops, making each subaltern responsible for the care of that part entrusted to his charge, one would really suppose that this was an idea of colonel Quentin's, which had never occurred to the previous commanding officers; whereas the fact was, that it had been to this system of responsibility, which was not confined to the officers, but enforced with every non-commissioned officer in the regiment, that its good order and discipline, so amply detailed in evidence, was to be ascribed; and all that colonel Quentin had to do on his arrival, was to follow up a plan, the good effects of which were so manifest; instead of which (as the evidence proves), he let the whole fall to pieces; and all he has to shew in his Defence are these Orders, which do nothing but prove, by his own evidence, the bad state of the regiment which called for them: for I repeat, that so far from enforcing his threats, there was no crime or excess whatever that he did not suffer to pass with impunity; and the few instances of punishment that occurred, could only be considered as acts of injustice and cruelty, inasmuch as they were partial, and incapable of effecting the sole object that justifies punishment, viz. the prevention of crime. As for the latter part of the Order, about the subaltern mounting his guard, &c. it might be found word for word in the Standing Orders of every cavalry regiment, which a cornet had to learn on his first joining, and was all very well in barracks at home or abroad, and, when once learnt by an officer, it would be his business to recollect, and not have repeated to him. But such details of duty were out of the question in active service; and nothing can be more unwise than to issue orders which, from circumstances, cannot be complied with, as it serves as an excuse with idle young men to neglect their duty altogether. How were officers to visit their men's quarters twice a day, when, from their extension and the badness of the roads, they, perhaps, could hardly visit them once? And, for the same reason, how could they possibly attend their dinners, and see that their messes were good? All that could be asked or ex-

pected from them was to do their duty (which every officer knew, or was supposed to know) in the best way they could, and the only general rule to be laid down was that of responsibility. The commanding officer should look to the captains for the care of their troops, and the captains to the officers and non-commissioned officers under them; and where this was attended to, and the commanding officer did his own duty in supporting those in authority under him, nothing could be more easy than maintaining discipline and good order in a regiment.

The next Order is, "Inspection of necessaries at ten o'clock, A. M.; every man to attend!" Here is another Order he used to issue in barracks at home, but ridiculous in service: in the first place, it was impracticable without great inconvenience and injury to the regiment; because, at the very time they were ordered to assemble for this purpose, some of the troops were sure to be wanted by the commissariat to fetch their meat, bread, corn, or whatever rations they might require, and which could not be served out to the whole at once. Independent of this, there was the trouble of bringing the men with their kits from their quarters to the parade, and keeping each soldier perhaps an hour from attending to other duties, when, if left to the discretion and responsibility of his captain, he would have been detained a few minutes only. But, after all, what was the use of these inspections? None; for whatever were the deficiencies, no steps were taken to prevent or replace them; and the captain had only the mortification of seeing, over and over again, the bad state of his troop, without the means of remedy. In proof of this, I beg to read to the House the evidence of captain Lloyd upon the fourth Charge, which applies particularly to this subject. Captain Lloyd is desired to state to the Court the instances in which he was not supported by colonel Quentin in the command of his troop. After mentioning two instances, he thus proceeds: "The third, was while my troop was quartered at Cambo with a Portuguese brigade, commanded by colonel Doyle. I found that the men of the Portuguese brigade were buying the men's necessaries; and after some exertions to detect the men who had been selling them, finding a great deficiency, I found a Portuguese officer wearing the stockings of one of our men. The Portuguese officer came forward and proved, that his men had purchased them

of one of our men, and produced a corporal of the brigade who was present at the purchase. I knew they were stockings which could not be purchased in the country. My serjeant reported several cases of the kind. I reported this in writing to colonel Quentin, and sent in the Charge. I afterwards met the colonel, and personally pressed it upon his consideration. He said, if we were to try them for trifling offences of that kind, what were we to do with the greater? The man was, I understand, afterwards released." Now, Sir, with such conduct on the part of the commanding officer, where could be the use of inspections, and how was it possible for captains to do justice to their troops? Every officer who was in that service knows the very great difficulty there was in supplying each regiment with necessities; and, looking to the consequences of allowing the men to sell them with impunity, there was no crime which more called for punishment; and yet this was the language and opinion held by colonel Quentin, when called upon to notice an offence to which the drunkenness, insubordination, and sickness of the regiment was, in a great measure, to be attributed.

The next Order is dated the 11th of October, wherein "colonel Quentin requests that the subaltern officers will refer to the Order of the 1st of September last, to see that the men's dinners are regular, the quarters cleared, the accoutrements properly arranged, and also the men clean in their persons; which they are daily to report to the officer commanding the troop, who will specify in his weekly report of his having done so. The surgeon of the regiment will visit the men's quarters at Tafalla, at least once every week, and report in writing to the commanding officer if he perceives any of the quarters detrimental to the men's health. A report of the sick will be sent to head quarters every day, and the names of the men admitted into the hospital, and the state of their necessities, as also the cause of their sickness. The assistant-surgeon at head quarters will visit the quarters there, as also those at Sulchaya and Oronez, and report in the same manner as pointed out to the surgeon." This order was in consequence of a report made by the surgeon to the head of the medical staff, being desired to state the reasons of the great sickness that prevailed in the regiment; and as this report unavoidably implicated the conduct of the commanding officer, colonel Quen-

tin took offence at it; but after misrepresenting Mr. Morrison's conduct to the captains, for the purpose of inducing them to take part against him, he was obliged to hush the matter up. Colonel Quentin brought this forward in his defence, as matter of accusation against me, in not communicating with him upon the subject of this report; but the fact was, as stated in evidence, I had nothing whatever to do with it, and therefore did not interfere in any way, and should have been blameable if I had. But, with respect to Mr. Morrison, colonel Quentin's conduct would have been made the subject of a charge against him, upon which he might have been broke, had I not promised the colonel of the regiment (the Regent), for reasons I cannot here explain, that it should not be brought forward. I declined appearing as a witness upon the prosecution; but colonel Quentin being obliged to call upon me in his defence to prove the letters of the officers, I then challenged him to examine me, as to what he had insinuated against myself and the other officers, which he would not venture to do. Whatever might have been my opinion and feelings with respect to colonel Quentin, they never for a moment interfered with my duty to the regiment, or prevented me from giving him every support in my power, as commanding officer. At the same time, his conduct to me was such as to preclude all intimacy between us; it was evident to every one, that he wished to drive me out of the regiment; and though he dared not personally to insult me, he acted in a way that I could not misunderstand, and made my situation so irksome in every respect, that I did all I could to obtain a staff appointment, to relieve me from regimental duty; and immediately after the cessation of hostilities, I availed myself of the first opportunity of coming home; nor did I again join the regiment, until after the letter of the officers, intended for the Regent, was sent to me. As for colonel Quentin taking any credit to himself for the improved conduct of the regiment in its march home through France, he had no claim to it; for, after the letter of the adjutant-general, the command was virtually taken from him; he was ordered to report every occurrence whatever to the general of the brigade, in order to take his instructions upon it; and was, in fact, like a child in leading-strings, under his lordship's guidance.

The next Order is dated October 12th,

wherein "the commanding officer requests, that officers commanding troops, will immediately cause the men of their respective troops who have four shirts, to have one valued by two old soldiers of the troop, for the purpose of supplying those who are in immediate want of shirts." This order, too, was in consequence of the surgeon's report, which attributed the sickness, among other causes, to the want of necessaries; and thus, after allowing men to make away with their necessaries with impunity, he replaces them at the expence of the good soldiers who have taken care of their own; not that the Order was of any consequence, as I will venture to say, that, at this time, there was hardly a man in the regiment who had four shirts to wear, whilst many were literally without any.

The next Order is of the 15th October. Here "Colonel Quentin requests, that officers who have private servants will acquaint them, that, during the time they are in this country, they are under martial law: and the very first that is reported to him of breaking open doors, &c. or ill-using the inhabitants, he will bring him to a court-martial. The commanding officer further orders, that all private servants of the regiment will attend parade, when the Articles of War are to be read." Here, again, is a renewal of threats, which were not carried into effect until too late to check the evil. The regiment was nearly four months under colonel Quentin in stationary quarters, in the rear of the army, without a duty of any kind to perform, and the commanding officer having nothing to do but to attend to its discipline; and it was at this period that the regiment was suffered to go to ruin, the most flagrant crimes overlooked, and the hospital crowded with sick, brought there by the drunkenness and excess that was permitted: for nearly two months at Lisbon after their first landing, when the temptation was greatest, not a man was sent to the hospital from this cause; but soon after colonel Quentin joined, there were fifty, sixty, or more, at a time, confined with fevers, brought on entirely by drinking.

I have many apologies to make to the House for dwelling so long on this subject, but have felt the importance of refuting the only argument of the right hon. gentleman opposite, which I can anticipate he will make use of to justify the observations of the Court-martial which I com-

plain of; and with this view I entreat their patience for a very few minutes longer, that I may not be charged with having omitted any part of those Orders that require explanation.\* With respect

\* **LIEUTENANT COLONEL QUENTIN'S R. O.**

*" Donna Maria, November 14th, 1813.*

"The commanding officer once more calls the attention of officers commanding troops, to an Order issued for subaltern officers to attend the foraging parties; and begs that Order may be strictly complied with; and further desires, a farrier may always attend the foraging parties in future; and, that two days straw is always kept in possession; and the nets are at all times to be kept full, so as to be ready to march at the shortest notice.

*" Orowia, November 23rd, 1813.*

"The commanding officer particularly requests, that one officer per troop always remains in the cantonments of their troop; and further desires, that when officers employ dragoons to go to Pampeluna, they are on no account to go without a written pass, which is to be given to them, so that they return to their quarters by five o'clock in the evening; as no man, on any account, is to be absent from his quarters after that time.

*" Orowia, December 8rd, 1813.*

"Lieutenant colonel Quentin requests, that the officers will pay more attention to his orders; and not absent themselves from parade without his leave.

*" Licomberie, December 16th, 1813.*

"The baggage to be formed on the left of the regiment, and on no account is it to move off before the march of the troops.

*" Cyargund, December 19th, 1813.*

"The commanding officer once more calls the attention of the officers to an Order issued on the 16th respecting the baggage, and begs it may be most strictly complied with.

*" Halcoy, December 22nd, 1813.*

"Lieutenant colonel Quentin requests, that, on the discovery of forage or corn in or near any of the cantonments where the regiment may be quartered, an immediate report may be made to the commissary and foraging quarter-master, so that it may be equally divided to the regiment.

*" Bas Cambo, January 24th, 1814.*

"The commanding officer requests

to the three next, consisting of reprimands to the subalterns, and particularly in calling upon them "not to absent themselves from parade without his leave;" nothing

that no man of the regiment is sent out to forage, except by a regimental order.

*" Bas Cambo, January 26th, 1814.*

" Complaints having been made to the commanding officer, that some buildings have been pulled down for the purpose of providing fire-wood for the use of the troops, the commanding officer therefore particularly desires that officers commanding troops, and subalterns, and non-commissioned officers, may be particularly attentive in preventing this abuse; and further directs, that any man detected in this practice may be immediately confined and reported, in order that he may be brought to punishment.

*" Bas Cambo, January 30th, 1814.*

" The commanding officer having again received complaints of the buildings, &c. being destroyed for firewood, he is under the necessity of ordering a daily report to be given in, from each troop, by four o'clock, of the officers having visited the men's quarters, which report is to state if the inhabitants have any complaint to make.

*" Tarsac, March 11th, 1814.*

" The commanding officer requests, that the officers and non-commissioned officers will visit the quarters occupied by their troops frequently during each day, and inquire of the inhabitants, if any complaints, and of what nature. Any irregularity is to be immediately reported for the information of the commanding officer.

*" March 24th, 1814.*

" The commanding officer has noticed the repeated neglect in turning out the troops, when ordered to march; and requests, in future, those officers commanding troops, and of course the subaltern officers, will be always first on the troop parade, and report any one negligent in turning out.

*" Near Tournefille, April 1st, 1814.*

" The regiment will assemble in marching order, at head quarters, to-morrow morning at half past eight o'clock, for the inspection of major general lord Edward Somerset. Every man and horse possible to be present; baggage animals to be loaded.

" Lieutenant colonel Quentin once more calls the officers' attention to an Order

could be more unjust or improper than this indiscriminate censure. One would suppose by this Order, that the whole of the officers were in the habit of being guilty of this breach of discipline, for

issued for officers to visit the cantonments of their respective troops at least twice during each day, and ascertain from the inhabitants if they have any complaint to make against the men quartered on them, which Order is most strictly to be complied with: all complaints against the regiment to be immediately reported to the commanding officer, in writing.

*" Near Tournefille, April 2nd, 1814.*

" Officers commanding troops, on their arrival in cantonments, will immediately place sentries on the wine-houses, as also on all wine-cellars.

*" Lespenac, April 4th, 1814.*

" The commanding officer requests, that all picquets, when relieved, may be marched to the regiment by the officer commanding it, and they are on no account to be left until regularly dismissed. The commanding officer further orders, that no officer quits the squadron on the march.

*" Villandree, April 26th, 1814.*

" The commanding officer once more calls the attention of the officers to an Order issued some time since, for their attendance at the quarters occupied by their respective troops, to inquire if the inhabitants have any complaints, and begs that order may be most strictly complied with.

*" Villandree, April 28th, 1814.*

" Lieutenant colonel Quentin requests, that officers of troops will frequently visit the men's quarters, to see that the arms and accoutrements are kept clean and properly arranged, and the men clean in their persons, as also the quarters.

*" Villandree, May 3rd, 1814.*

" The commanding officer has again to call the attention of officers in command of troops, to the repeated Orders which have been issued relative to their visiting their men's quarters, and inquiring into any irregularities which may occur. So many instances of this nature have lately been reported to him, that he is under the disagreeable necessity of informing officers in command of troops, that, should such conduct of the men be again represented, he will be under the necessity of reporting it to the major general."



which it would have been the duty of colonel Quentin to have put any individual so conducting himself under arrest, unless he made a proper excuse for himself; and I will undertake to say, that there was no officer in the regiment so little acquainted with his duty, who would not have felt it necessary to explain his conduct to his commanding officer, whoever he might happen to be, on such an occasion. If these complaints were just, they were disgraceful to colonel Quentin, evincing his weakness and incapacity in the command. But was he to be credited for a moment, when, with all his influence amongst the quarter-masters and others which I have detailed, he did not attempt to prove a single instance of that want of co-operation on the part of the officers, which he charges them with in his Defence? But then it may naturally be asked, what possible motive colonel Quentin could have had in issuing these Orders, unless he had conceived them to be necessary? It was this—to make an excuse for himself, and give a colour to his representations, in a certain quarter, on his return home. As commanding officer, he had the ear of his colonel, and by these means had deceived him.

The Order to divide the forage, I believe, applies to me; and this was another instance of his incapacity and injustice in the command; though I said nothing about it at the trial, as it might have appeared personal. The squadron I commanded was generally at out-quarters, and treated very unfairly by him, as I could have abundantly proved: amongst other instances, we were often excluded from our share of corn, which should have been divided equally in the regiment; and as for foraging with him, we suffered so much by his partiality and mismanagement, that I was obliged to apply to the general to allow me to forage my own squadron separately; and which, in fact, was relieving him from the trouble and responsibility: the consequence was, that I contrived to have three or four days forage in hand, when he had none, and that was the occasion of this Order for dividing it. Here, again, he calls upon the officers about the baggage; and it always happened that these reprimands were issued in consequence, or upon the eve of some censure against himself; for, whenever he anticipated any thing of the kind, he immediately whipt in a regimental order to meet it, and cover himself by

throwing the blame on others: for example, this Order of the 1st of April, and which is the last I shall trouble the House with, as it was in consequence of the adjutant-general's letter, to which date the Court confined the charges. A parade is here ordered, on the following morning, for the inspection of the general, when the said letter was privately read to him: in this Order he once more calls upon the officers to do their duty, leading you to suppose, that the whole blame rested with them; and yet, though he had only issued this Order and remonstrance over night, the general states, that on shewing him the adjutant-general's letter the next morning, he did not attempt to vindicate himself, by throwing any blame on the officers, but only expressed his regret at what had happened. A still more extraordinary circumstance relates to the Cavalry Order of the 26th February: Colonel Quentin declares in his Defence, that it was never *hinted* to him that this Order was applied to the 10th, as stated by lord Combermere in his evidence, although lord Edward told the Court that he particularly spoke to colonel Quentin upon the occasion; and yet, in the same Defence, colonel Quentin also declares, that on the very day this Order was issued, but previous to his receipt of it, he told the men on parade, that he would apply to the general to punish them in the very manner that the general himself had already determined on: and here is the examination of the serjeant-major to this point by colonel Quentin:

"Col. *Quentin*. When was it that col. Quentin said he would apply that the regiment should be put in bivouac, if they continued to get drunk?—On the 26th of February.

"Are you *positive* as to the day?—I think I am positive to the day; the next day was the battle of Orthes.

"When was this stated with reference to the Order that came out?—The Brigade Order, I think, we received either that night or the next morning.

"Was this stated by colonel Quentin previous to, or after the Order?—Previous to the Order."

Now, can it be true that col. Quentin should thus have anticipated this Order, if it is true, as he states in his Defence, that he was not conscious at the time that any particular grounds of censure attached to the regiment? nor, indeed, does it appear, according to custom, that any

regimental order was issued about this period. But, even if it did take place, it could only have happened from his having obtained previous notice of this Order; and then, how is it possible that no one else on the parade should recollect this extraordinary speech of his, and that his only evidence to the fact should be the serjeant-major? whose memory is as singular upon this occasion, as his want of it is upon others; and I am only surprised he should have recollected any thing that did not suit colonel Quentin's case. But I must not omit one circumstance which came out in his evidence, which I mention as an instance of colonel Quentin courting the popularity of the men at the expense of the officers. One of the men, on being taken down after receiving but a part of his punishment, and that for an aggravated offence, cries out, "Thank you, colonel Quentin; damme, you are a gentleman! I'm in a good corps, but a damned bad troop." I leave the House to judge of the state of the regiment, when this language was suffered on the parade, in presence of the whole of the officers and men. Nothing can be more improper in a commanding officer than remitting the punishment of the men, without reasons to justify it. It is holding up the officers, who compose the Court-martial, in an odious light, and gaining favour with the men at their expense. Another instance was in a man named Abbot, who had been pardoned a most flagrant offence, when an example to deter others was particularly required. Colonel Quentin was so sensible of the weight of this charge in the prosecution, that, with the help of the serjeant-major, he attempted to shew that the man was pardoned on account of ill health; but the evidence proves there was not the least foundation for the assertion.

I regret having detained the House so long, and will say no more on this part of the subject; and having now gone through the Proceedings, with the Opinion and Sentence of the Court, and their subsequent observations, I have only to read and observe upon the terms in which the Prince Regent has approved of such Proceedings. [The honourable member here read the approval of the Sentence.\*]

\* "His Royal Highness has further been pleased to consider, that, when the officers of a corps prefer accusations affecting the honour and professional cha-

With respect to the first paragraph, it is for those who have read or heard the Proceedings to judge how far the opinion of the officers, with respect to colonel Quentin's courage and conduct before the enemy, is "*utterly void of foundation.*" As for the letter of the officers, without here observing upon the manner in which it was obtained, I ask of the right hon. the Judge Advocate General, who I suppose was the adviser of the Regent upon this occasion, whether officers are to be justified in making complaints under any circumstances; and if so, what other mode he would have recommended? At inspections of regiments, it is customary for the general to ask the soldiers if they have any complaints to make against their officers; and are the officers to be denied the same appeal against their commanding officer? Objections have been made to their acting in a body upon this occasion; but, looking to the facts, I would ask, what better chance two or three individuals would have stood in coming forward? Then, again, it was said, that the captains exclusively should have taken it up; but that was impracticable. The eldest, capt. de Grammont, was abroad, and had he been at home, from his particular obligations to the Regent, he could not have stood first on the list against col. Quentin; the next, capt. Gordon, was killed at Toulouse; others were similarly situated as captain de Grammont, with respect to the Regent; and, in fact, there were but two captains out of the whole who could have come forward, if the appeal had not been general; and where was the impropriety? On the contrary, how could they avoid it? Those officers had been particularly censured for signing the letter, who had not been abroad at the time; but was not every officer alike interested in the honour and character of his regiment? and whether he had been abroad at the time or not, could he, consistently with his own honour, hear his commanding officer branded as a coward, not only at the mess, but in other places? For though colonel Quentin had denied these reports, and had represented them as the echo of their own assertions, the fact was notorious, and his conduct had no where been more canvassed (as I have heard from good authority) than amongst his own

racter of their commander, nothing but the most conclusive proof of their charges before a court-martial can justify a proceeding, which must otherwise be so preg-

countrymen, the German Legion, at Ipswich. The utmost that the officers solicited in their intended letter to the Regent, was an inquiry into these reports; they made

nant with mischief to the discipline of the army; and that a regard due to the subordination of the service, must ever attach a severe responsibility to subordinate officers, who become the accusers of their superior. His Royal Highness, therefore, could not but regret that the officers of the 10th Hussars should have been so unmindful of what they owe to the first principles of their profession, as to assume an opinion of their commander's personal conduct, which neither their general experience of the service, nor their knowledge of the alleged facts (as appears from their own evidence) could sanction or justify; and which opinion would appear, from the proceedings, to have been utterly void of foundation, in every instance of implied attack or insinuation upon that officer's courage and conduct before the enemy, as conveyed by the tenor of the second and third Charges.

"In allusion to the Letter, signed by the chief part of the officers, and in which the present proceedings originated, the Prince Regent has specially observed, that, exclusive of the doubt which may be entertained of their capability to form a judgment so much beyond the scope of their experience in the service, it was worthy of remark, that some who have affixed their names to that paper, had never been with the regiment during the period in question; and others had never joined any military body, beyond the depot of their corps: and it might thus be deduced, that although the officers have manifested, according to the appropriate remark of the Court-martial, a want of co-operation in support of their commander's authority, yet those who have assumed a personal observance of colonel Quentin's conduct, and those who, though absent, appear to have acted under a mischievous influence, by joining in an opinion to his prejudice, have all co-operated in a compact against their commanding officer, fraught with evils of the most injurious tendency to the discipline of the service: nor did it escape the notice of his Royal Highness, that this accusation has not been the momentary offspring of irritated feelings, but the deliberate issue of a long and extraordinary delay; for which no sufficient reasons, or explanation, have been assigned.

no Charges whatever against their colonel; and it was only in obedience to the commands of the Regent to bring forward Charges, that the letter of colonel Roberts,

"In this view of the case (which is not palliated by the very slight censure passed on colonel Quentin, upon the 1st Charge) his Royal Highness has considered that a mark of his displeasure towards those officers is essential to the vital interests of the army; and that the nature of the combination against col. Quentin would call for the removal from the service of those who have joined in it: but as his Royal Highness would willingly be guided by a lenient disposition towards a corps of officers who have hitherto merited his approbation, and would willingly believe that *inadvertency* in some, and *inexperience* in others, had left them unaware of the mischievous tendency of their conduct upon this occasion, his Royal Highness is averse to adopt such severe measures as the custom of the service in support of its discipline usually sanctions, upon the failure of charges against a commanding officer. Still it is essential that conduct so injurious in its nature, should be held forth to the army as a warning in support of subordination; and his Royal Highness has, therefore, commanded, that the officers who signed the letter of the 9th of August, shall no longer act together as a corps, but that they shall be distributed by exchange throughout the different regiments of cavalry in the service, where it is trusted that they will learn and confine themselves to their subordinate duties, until their services and experience shall sanction their being placed in ranks and situations, where they may be allowed to judge of the general and higher duties of the profession.

"The Prince Regent has been further pleased to observe, that though colonel Palmer did not sign the Letter of the 9th of August, he is nevertheless, by his declared sentiments on the prosecution, and his general concurrence in the opinion of the officers, to be considered in the same light as if he had put his name to that paper; and his Royal Highness has therefore commanded that he shall also be removed to another corps.—I am, &c.

(Signed) "FREDERICK,  
"Commander in Chief."

"To the Adjutant-General,  
&c. &c. &c."

dated the 26th August, was written, [the hon. member here read the letter\*]. Now,

\* "*Brighton Barracks, Aug. 26.*

"Sir; in consequence of your Royal Highness's commands, through colonel Palmer to the officers, upon the subject of the unhappy feeling that exists in the regiment, I beg leave most respectfully to address your Royal Highness in my own name, and that of the officers.

"With respect to the bringing forward charges against the commanding officer, we can assure your Royal Highness, that we have never had an intention of the kind; nor can we at all reconcile ourselves to the idea of bringing forward, before a general Court-martial, an individual who has hitherto been so distinguished by your Royal Highness' favour and protection; conceiving that nothing could justify to the world and ourselves, the indecency of such an act. Our feelings, independent of such consideration, are adverse to a measure of the kind; being actuated by no personal motives, but solely by an anxiety to preserve the distinguished character of your Royal Highness's regiment, which we conceive to have suffered most materially under the command of colonel Quentin, in its late service on the continent. In making this declaration, it is our duty to lay the circumstances before your Royal Highness, who will best judge how far we are justified in the feelings we possess.

"We submit, in the first place, to your Royal Highness, an extract from the adjutant-general's letter to lord Edward Somerset, commanding the Hussar brigade (which we most respectfully beg leave to inclose), relative to your Royal Highness's regiment; and we appeal to the candour of your Royal Highness, how far any set of officers, anxious for the character and credit of their corps, and without the peculiar feelings by which we are actuated, can respect the individual who has involved them in such disgrace. We likewise beg leave most respectfully, to refer your Royal Highness to the inclosed General Orders from sir Stapleton Cotton, then commanding the cavalry, in which the commanding officer is again alluded to, and the whole regiment threatened with the disgrace and punishment attending his misconduct. We are further under the necessity of stating to your Royal Highness, which we do with feelings of sincere regret, that reports out of the regiment, and the

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Sir, I see nothing in this letter that has not been dictated by the most honourable feel-

general opinion of the officers, are so injurious to the personal honour of colonel Quentin, as to his conduct before the enemy, that we cannot, consistent with our feelings, refrain from stating the fact to your Royal Highness, leaving your Royal Highness to adopt such measures as your Royal Highness may conceive such a declaration, on our part, calls for; and should your Royal Highness demand why we have so long concealed these and other circumstances from your knowledge, we trust your Royal Highness will find it in those sentiments of respect and delicacy to your Royal Highness's situation, which led us to bear with patience the misfortune of ours.

"The mode in which these facts are to be brought forward, we most dutifully beg leave to request your Royal Highness to determine: we have stated our objection to a public inquiry, and trust your Royal Highness will give credit to our motives; at the same time, if your Royal Highness should judge it expedient to deny this indulgence to our wishes, we are ready to obey whatever commands your Royal Highness may think fit to give us.

"Whatever may be the result of any proceeding your Royal Highness may think proper to adopt, we beg to assure your Royal Highness that we shall ever remember, with feelings of pride and gratitude, what we owe to your Royal Highness as our colonel; and we can declare with the greatest truth, that independent of the distinguished and exclusive honour we have hitherto enjoyed of serving immediately under your Royal Highness, and of which we conceive that we but shew our sense by our zeal in the discharge of our duties, and our anxiety for the character of your Royal Highness's regiment; we have ever experienced from your Royal Highness that most gracious condescension and kindness, and that unremitting attention to all our interests and wishes, which would make us feel the most ungrateful of human beings, if we could ever forget them.

"I have the honour to remain, with every sentiment of duty and attachment, your Royal Highness's most devoted humble servant,

"G. ROBERTS,

"Lieut.-Col. and Maj 10th."

Addressed to his Royal Highness the Prince Regent.

(X)



ings on the part of the officers; and I cannot but consider the comments upon their conduct, and the punishment which the Prince Regent has been advised to inflict upon them, as most unjust.

For myself, I have no complaint to make. I could not help my opinions, nor, in justice to my brother officers, conceal them, when called upon; and it was upon this ground I was desired to prosecute, not only by the Commander in Chief, but the Prince Regent himself, which I trust will acquit me of any indelicacy towards his Royal Highness. I am sure I can declare with truth, on the part of every other officer, as well as my own, that we have been actuated by no other motive throughout, than a sense of duty to our regiment and the service; and with this assurance I shall submit their case to the consideration of the House. The hon. member then moved, "That an Address be presented to his royal highness the Prince Regent, praying his Royal Highness to order a Copy of the Proceedings of the Court-martial upon colonel Quentin to be laid before the House."

Mr. *Manners Sutton*, the Judge Advocate General, after suggesting a verbal alteration in the motion, proceeded to the general question. He thought that the House had exercised at least an unusual degree of patience towards the hon. gentleman. During his address, he had entirely misconceived the official duties of a Judge Advocate, when he had asserted that he had recommended the dismissal of the prosecuting officers. With that determination he had no concern. The course pursued by the hon. gentleman had been most extraordinary. The motion had been postponed, that reasons for it might be produced; and now, what were those reasons? It seemed as if the hon. mover had considered it as a matter of course that the House should interpose, that the papers should be laid on the table, and afterwards that he should submit some motion upon it. He had a little mistaken the mode of proceeding. The first question was, whether the House had any right to exercise a judgment, and not whether it approved or disapproved of the sentence of the Court-martial. The speech had not been less extraordinary than the expectation. Whether the honesty or the intelligence of the members of the Court-martial was to be attacked, or whether it was a joint assault upon both, it was difficult to ascertain; but it was quite clear that

the House could not venture to decide, because they had heard only one-half of the case. If the question was again to be tried, it would be fit that he (Mr. M. Sutton) should read the other half of the proceedings. The publication of the trial, which most persons had read, relieved him from following the hon. gentleman through the greater part of his address; but unless it was meant to impeach the integrity of the judges appointed, by giving full credit to the *ex parte* statement just heard, no ground had been laid for acceding to the motion. The true point at issue, which well deserved to be weighed, was, whether the House had any authority to offer an opinion, or to give decision. Justice to the individual might require that the whole case of the defendant should be detailed—that both sides might be heard; but the House would not, upon a speech like that just delivered, consisting principally of the reply of colonel Palmer, think fit to call in question the deliberate sentence of a Court, which had formed its judgment after having all the benefit of hearing that reply, with the additional advantage of attending to the evidence adduced in contradiction.

As all persons could now satisfy themselves by means of the printed copies, the Judge Advocate said, he would not enter into the question further than was necessary; not to justify, because a justification was not required; not to defend, for no defence could be wanted; but to explain the grounds on which the Court-martial had founded its decision. Of the First Charge, which comprised three points, the Court had declared that two points were not proved, and that one only, which regarded negligence in giving orders to the men, was established. Was not it enough to satisfy the House to tell them, that such was the solemn decision of the Court? or, if any further confirmation were necessary, and the integrity or talents of the members of the court were doubted, he begged to refer the hon. gentleman to the names of the members, composed entirely of general officers, to many of whom the Speaker had often had the satisfaction of expressing the gratitude of the House for eminent services. Nothing was more natural than that the prosecutor should be dissatisfied with the sentence; and the hon. gentleman did not form an exception to the general rule, that the prosecutor was not an impartial judge in his own case. It was not singular that the opi-

nions of the Prosecutor and of the Court should be discordant. The Second Charge, if not direct, contained strong implied accusations of a want of personal courage; and it had been endeavoured to be established in evidence, that when the regiment was fired upon, colonel Quentin reined in his horse, and opened the ranks, that he might get into the rear for safety. The Court put a negative upon this accusation; and he (the Judge Advocate) having advised the Prince Regent to confirm the sentence, was so far responsible, and was ready to submit to the consequences. The Third Charge, was an undisguised assertion of the cowardice of col. Quentin—that, immediately the firing began, he disappeared from the head of his troops; in short, that he ran away. Now, what had the hon. member advanced on this point? He observed, that the difference between the evidence in support of the accusation, and what was admitted by col. Quentin in his defence, was extremely minute: that it merely amounted to this, whether colonel Quentin was on the spot, a few minutes before, or a few minutes after, captain Fitzclarence was wounded. But, it appeared, from the evidence adduced by colonel Quentin (whether it was to be credited or not was another question), that a very material difference existed between the two statements. It was given in evidence, that colonel Quentin was on the ground at the moment capt. Fitzclarence was wounded; that he remained there for some time after; that he then marched his squadron into the rear, where they were covered by the regiment of the duke of Brunswick-Oels, and that he then retired. When the hon. member referred to the evidence of lord Edward Somerset, he should, in candour, have stated that part of it, in which his lordship declared that he had, after captain Fitzclarence was wounded, dispatched colonel Quentin on a particular service. Whether that service was of a nature sufficiently important to require his attention, it was not for him to determine. He had received his orders from a major-general, and all that remained for him was, to obey him.

He now came to the Fourth Charge; and he agreed perfectly in the observation of the hon. gentleman, that, at the time to which it applied, there was very great laxity in the discipline of the regiment; and he was equally ready to admit, that, when the 10th Hussars were commanded by colonel Roberts, their good

conduct and habits of subordination were most exemplary. He would also state a fact that was proved on the Court-martial, which the hon. colonel (Palmer) for obvious reasons, had not noticed, but in the truth and justice of which he entirely concurred, that, while the regiment was under his command, it was in a state of the most excellent discipline. He mentioned all this to shew, that the inference drawn by the Court-martial, on this Charge, was correct. Because, if the regiment, under the two last-mentioned officers, appeared in a very high state of discipline, and, under the command of colonel Quentin, presented a very different aspect, the evident deduction was, that his system was an improper one. But what was the answer to this? That the ill state of discipline which prevailed in the regiment was known to the duke of Wellington, who applied to it what he conceived to be a remedy; after which, it became as strict and regular as it ever had been. The hon. colonel said, that this improved state of discipline arose from the exertions of lord Edward Somerset. This might or might not be the fact: it formed no part of the question. The point to be considered was, whether the punishment inflicted on colonel Quentin was commensurate with the offence? The duke of Wellington conceived it to be sufficient; and the members of the Court-martial, persons who were the most competent to judge, coincided in that opinion. Indeed, it appeared to be so considered by the officers of the regiment themselves. If they thought that the reprimand of the duke of Wellington was too lenient a visitation, it was very wonderful that they did not make any charge, or offer any representation on the subject. Lord Combermere had said, that, had not peace arrived, he should, however, have deemed it fit to take serious notice of the continued inattention of colonel Quentin; and it was very singular, that the very cause that had induced lord Combermere to forego his charges, had induced the prosecutors to commence their proceeding. On the first Charge, colonel Quentin had been partly found guilty, and was sentenced to be reprimanded; the second and third Charges, which affected his personal honour, were wholly negatived; and, on the fourth Charge, he was in part found guilty; but the Court-martial were of opinion, that the offence which constituted its subject-matter, had been already sufficiently

punished. The sentence of the Court concluded by adverting to "the want of co-operation among the officers of the regiment, which rendered the duties of their commander much more arduous than they otherwise would have been." What were the precise grounds which influenced the members to arrive at this conclusion, the House could not expect him to state; but he thought a sufficient foundation for their opinion was to be met with in the speech of the hon. colonel. In the first place, he would refer them to the case of Mr. Morrison, which the hon. colonel had laboured very unsuccessfully to explain away. He admitted, that when colonel Quentin joined the regiment, he did not lay before him Mr. Morrison's statement, at the same time conceding, that it was the duty of the acting commanding officer to report to his superior every thing that had occurred in his absence; and the reason he assigned for this omission was, because he and colonel Quentin were not on speaking terms. He meant not this as an accusation; but it was here evident, from the hon. colonel's statement, that a want of co-operation did exist amongst the officers of the regiment; and, if the House called for further proof, it was to be found in the observations of the hon. colonel on the General Orders issued by his commander. He would also call the attention of the House to a particular circumstance which was disclosed in the evidence of the Court-martial, and, if he recollected rightly, in answer to a question put by the hon. colonel. Many officers, in the course of their examination, were asked, whether they received support from colonel Quentin in their efforts to restore the discipline of the regiment? The answer was uniformly, 'certainly not.' The hon. colonel demanded of one of these officers, whose company was in a state of shameful insubordination, whether he stated to colonel Quentin all the cases of ill conduct which had come under his observation. "No," said he, "I did not." And being asked, why he had neglected to do so? he answered, "that he thought it would have been useless—he had anticipated the course which colonel Quentin would have pursued." Now, this might be a very good reason for not reporting cases of insubordination; but it proved, beyond a doubt, the want of co-operation. The Prince Regent, immediately after the Court-martial, was addressed to approve and confirm the finding,

and the business ended with the removal of the different officers. Now, he would ask any gentleman to put this question fairly to himself, whether, under all the circumstances which had been stated, colonel Quentin, and those officers who entertained so mean an opinion of him, could, beneficially for the service, remain in the same regiment? From the temper which was displayed around him, he would assume the negative to the question; and then it came to be decided, which of the parties ought to be removed—whether the commanding officer, against whom four charges were brought, on two of which, affecting his personal honour, he was acquitted—or those persons who had failed in proving their case? He believed, no instance was to be found in which junior officers, having brought forward charges against their superiors, which they had failed to prove, were not dismissed altogether from the service. In the present instance, he contended, great lenity had been shewn, since the officers were only removed into other regiments.

It had been doubted by some persons, whether, since the charges had been partially proved, the subsequent censure on the prosecutors were proper; but, since the granting of court-martials was the prerogative of the crown, and by weighty charges which were unfounded being preferred, his Majesty might be induced to grant a court-martial, which, on charges of inferior consequence, he might be advised to refuse, there was a case which he should quote, and which was directly in point, and it would not be quoting himself, since it had occurred long before he was appointed to the office. The case was contained in a letter from sir Charles Morgan to the duke of York, containing the pleasure of his Majesty on the sentence of a court-martial, held at Newport in the Isle of Wight, on lieutenant-colonel Ross. The letter stated, that it was the pleasure of his Majesty to confirm the sentence of the court, by which colonel Ross was found guilty on the first charge, and ordered to be reprimanded, by the promulgation of the reprimand in a public order, for having employed two persons as his servants, who were rated and paid as corporals; his Majesty also agreed with the opinion of the court in its strictures on the conduct of the prosecutors; and on this occasion his Majesty recollected with displeasure the conduct of colonel Ross himself, on a former occa-

sion, in preferring unfounded charges against major Otley, and took occasion to observe, that the preferring accusations which could not be maintained, was not only inconvenient and injurious to the service, but disgraceful to the officers who brought them forward. The Commander in Chief was directed to inform the officers engaged in the prosecution, that his Majesty had no further occasion for their services; and since it was expedient for the purpose of preserving harmony in the 85th regiment, that colonel Ross should not continue to serve there, the Commander in Chief was directed to inform him, that it was his Majesty's pleasure that he should retire from that regiment, but that he should be at liberty to sell his commission, he having purchased the same. The reason why colonel Ross was dismissed was obvious, from the mention which was made in the early part of the letter of the charges formerly preferred against major Otley.

The right hon. gentleman then proceeded to observe, that he had stated the reasons why the officers could not remain together with the colonel in the same regiment; and he had produced a case in which officers, who had partially proved the charges they had preferred, had been dismissed from the service. That the case, therefore, was not severe on the officers of the 10th, was evident, however honourable their feelings might have been, and though they were, no doubt, sincere in their expression of their feelings on the occasion, however wrong they were in the mode they had taken of manifesting them. Those who were not connected with the case would not think that the officers had been injured, but rather relieved from an unpleasant situation. It had been said by the hon. gentleman, why were all the officers to suffer, since all were obliged to sign the letter; because, if one or two only had come forward, they would have been dismissed the service? He begged that the hon. gentleman would not cast any such imputation, without proof, on the military advisers of the Prince Regent; for he could assure the hon. gentleman, that whether the officers had been one or thirty, the result would have been precisely the same. It had been also said, why dismiss the officers from the regiment merely for writing a letter?—that they had not wished for a court-martial. The case was, as the officers had truly stated in their letter,

that they would not take on themselves to judge what course was proper to be pursued. For what could the officers have wished, but for a court-martial? They were not the involuntary accusers of colonel Quentin, and would naturally be called on to substantiate what they had set forth in the loose charges contained in the letter in question. It had been asked, if the officers were not to complain in this way, were there no complaints at all to be made against a commanding officer? But if the hon. gentleman had asked his opinion, though certainly he was not so conversant with matters of military discipline as the hon. gentleman, he should have thought the proper course to have pursued would have been to have returned the letter to the officers, and desired them to reduce it to specific charges, which he should have forwarded, and not carried himself to the Commander in Chief. It had been said, that the letter in question was not ultimately intended to have been brought forward, but that colonel Quentin got possession of it, by improperly making use of the name of the Prince Regent. Whether or not this were the case, there could be no doubt that it was perfectly superfluous in colonel Quentin to make use of the name of his Royal Highness, because he was justified in calling for that letter, or of making it matter of charge against the officers, that they had signed it. Was it to be borne that one lieutenant-colonel was to tell the other that he had a letter in his pocket, signed by the officers of the regiment, containing charges against his character and honour, and that yet he was not entitled to require that it should be produced? Thus, whether he had done right in form, in substance he had not done wrong.

The hon. gentleman, in talking of the fourth Charge, had brought a variety of accusations against colonel Quentin, and he was surprised to hear that the instances in which colonel Quentin had shown his lenity, by remitting the sentences of men who had been brought to the halbert, were hailed by gentlemen on the other side of the House as facts to his prejudice. It seemed that he (Mr. M. Sutton) had changed sides with those hon. gentlemen. When the hon. gentleman had commented with so much acrimony on colonel Quentin for his conduct as an officer, was he aware that his own course was contrary to the regulations of the army?—[Mr. M. Sutton here read an



order of sir James Craig, issued at Quebec, and which had been adopted into the General Orders issued from the Horse Guards, condemning, in strong terms, a meeting of the serjeants of a regiment of fusileers in Canada, who had passed a vote of thanks and approbation to the adjutant who had been removed into another regiment. The order stated, that though sir James Craig did justice to the good intention of the serjeants, he could not but disapprove their presuming to meet to deliberate on the conduct of a superior officer. He also condemned the conduct of the commanding officer who had approved the meeting. The General Order, in adopting the sentiments of this distinguished officer, remarked, that "the circumstance of any class of military persons assembling to deliberate on the conduct of their superior officer, was an assumption of that authority which belonged to the King alone, or to the persons entrusted by them with the command: such conduct was equally culpable in all ranks." He should not have blamed the transmission of the letter, but the manner in which it had been transmitted. The feeling among the officers seemed to have been a wish that an investigation should take place; but, by signing the letter, they became accusers. Some of those who signed that letter must have been misled, since there were some of the officers who signed had not been in the Peninsula, stated in the charges, or at all. These officers, no doubt, only meant that there were some charges which they wished should be cleared up; and he would not bind them down to the technical rule, that they meant to say that they could maintain charges against colonel Quentin, without knowing any thing about the matter; but the conduct of the Horse Guards, if notice had not been taken of such a proceeding, would not have been defensible.

He should state shortly the grounds on which he rested his opposition to the production of the proceedings. He did not refuse his concurrence on account of any apprehension of future discussions: he was prepared to justify every part of those proceedings, both previously and subsequently to the sentence. But the question of the propriety of calling for the sentence of court-martials, was one of great importance. That it was within the power of the House to take notice of any illegal sentence, he would not deny; but to call for the proceedings on any

Court-martial, without the most pressing necessity, would be most inconvenient to the public service. In the case where a Court-martial had voted thanks, as in the case of lord Gambier, or taken other steps not supposed to be within their province, the proceedings might with propriety be called for; but if, in the case before the House, the proceedings were granted, they could never be refused; and the House would be converted into a court of appeal. Whatever the decision of the House was, he should bow to it; but he would confidently say, that if the motion was carried, the House would have done more, by that one step, to undermine and destroy the best interests of the military service, than they had done by all the measures which they had been taking year after year to promote them. For the reasons he had stated, he should oppose the production of the papers called for.

Mr. Tierney said, the House would not be surprised that he should take the first opportunity to state his sentiments on the motion. He was quite aware of the delicacy which should be observed in interfering with the decision of any court, whether military or civil, and he should never support a motion for the production of the proceedings, but on some good parliamentary reason. But there was no case in which the proceedings were more urgently called for than on the present occasion; for, if the present motion were not agreed to, it would be at least necessary, when the next Mutiny Bill was introduced, to insert some clause to prevent officers, who preferred charges, when they failed in substantiating them to their full extent, from being indiscriminately censured and severely punished, without an opportunity of being heard in their defence. It could not be denied, but that by the law as at present administered, if any officers attacked another who was a favourite, they would, without an opportunity of defence, or of showing who were more guilty or less guilty, be subjected to severe punishment. Thus it was that six and twenty gentlemen of the first character in the country had been punished. The severe punishment inflicted on these officers not only applied to the captains or subalterns, but to the gallant colonel who had brought forward the motion, and whose conduct, by common consent, during the whole of the trial, had been admitted to have been exemplary, and who had been complimented on every occasion by the Presi-

dent (general Vyse); and also to his own near and dear relative (colonel Roberts), under whose command the regiment was admitted to have been in a state of discipline which was the admiration of the whole army, and who for the gallantry and good conduct of the regiment under his auspices, while subject to the inspection of the duke of Wellington, had been raised to the rank of lieutenant-colonel from the station of major. Yet they were subject to one sweeping censure; because the person they had accused was a favourite! The censure, too, felt unequally. The junior officers, in point of rank, would not suffer by the removal; but not so with the senior captains—they would become juniors in the regiments to which they were transferred. There was one officer, whom he would not name, but who was well known, and much esteemed by all who knew him, who had been twice wounded in the 10th, and had been working his way up for 18 years, till he had become the senior captain. He now was to be placed in another regiment as a junior captain, there to learn, forsooth, what the duties of an officer were! Such had been the situation of these gentlemen, that, when they supposed that they were trying colonel Quentin, their own trial was going on; with this difference, that colonel Quentin had an opportunity to defend himself, and to bring evidence to repel definite charges, while the accusations against them, of which they were ignorant, were to be found only in the records of the Horse Guards. As to the high rank of these gentlemen he would say nothing; the conduct towards them should not have been influenced by that consideration; but yet they should recollect how great an interest the country had to encourage military ardour in persons of rank; and if there was one regiment in the service, the punishment of which would damp such an ardour, it was the 10th. Yet its officers had been disgraced, and several of them sent to regiments in the East Indies—a species of transportation, because they failed in two out of four charges. He did not question the integrity of the Court-martial, yet being in one respect on a par with them, having heard as well as read all the proceedings on the trial—having attended the Court from day to day, his judgment on the case was very, very different from theirs. But, even by the Court-martial, colonel Quentin had been found guilty of having left the

foraging party without orders. This charge had been lightly treated; but he could not conceive a greater crime than the having wantonly exposed the men entrusted to him to a danger, from which it was rather by good fortune than from any other cause that they escaped. On the second and third Charges colonel Quentin had been found not guilty; but there was a difference, he presumed, between being found not guilty, and being honourably acquitted. As to the fourth Charge, he did not see why the prosecutors were allowed to go through it, since it appeared, that by no possibility could the proving it to the fullest amount have any effect. On the latter part of the sentence, which lamented the want of co-operation, he could only say, that the impression which remained on his mind was, that there was not a tittle of evidence to that effect; and, indeed, in the sentence it was mentioned, not as a subject of charge against the officers, but of mitigation towards colonel Quentin, as some excuse for his negligence. By the report of the Court-martial there was not one syllable of accusation against the officers. Here then the case was different from that of the 85th, which had been quoted by the Judge Advocate-General. In that case, there was not only a failure in substantiating the Charge, but a distinct report from the Court, of positive misconduct in the accusers. Did this make no difference between the two cases? The officers were in that case removed, because they could not carry on the business of the regiment together. Such a proceeding was for the good of the service. But here was a regiment commanded by a colonel, who had been plainly stated to be not fit to command any regiment—not by this or that officer, but by a general, who, for the abilities which he had displayed in the command of the cavalry, had recently been elevated to the peerage. This same general had bestowed the warmest eulogiums on the officers, as most zealous and active. As to the men, according to the evidence, they all deserved a great deal of punishment. There was never a regiment so disgraced by breaches of discipline of all kinds. Now, for the good of the service, the Prince Regent's advisers had left the colonel, who was not fit to command any regiment, to command this mutinous set of men, and dispersed the able and zealous officers to other regiments. If it was their wish to hold up an eye-sore to the service, they could not have taken

their measures better: The General Order which had been quoted by the Judge Advocate, stated, that the men had no right to pass a judgment on their commanding officer. Yet the men of the 10th, it seemed, might sit in judgment, so they approved of a favourite. The barracks, he understood, were illuminated in consequence of the event of the trial; and at present, if he was rightly informed, a paper was handing about among the men to vote a sword to colonel Quentin. Such was the result of the Court-martial! There was a most mutinous regiment, with a colonel not fit to command any men! Now, out of doors, where men had only common sense to go by, they must needs think there was something kept in the back ground. Military men might quote this or that order, or screw out a precedent to ease their minds; but, in the country at large, there was but one feeling as to what had been done to these gentlemen. Then, he would say, satisfy the public. There was not a trace on the proceedings for what crime it was that these gallant men were punished. The cause was, he understood, in some General Order, in which officers were rendered punishable for failing in charges brought against their commanding officers. [Mr. M. Sutton here stated that there was no order on the subject, but that it had been the immemorial practice that officers were responsible for the charges they preferred.] Mr. Tierney proceeded.—The crime of preferring an accusation must have consisted in its being preferred against the commanding officer. The 10th regiment had had the advantage of the personal command of the Prince of Wales, which command, somewhat to their inconvenience, he had continued since he had become Regent; it was to him, as their commander, that the officers had applied. Much had been said of the letter written on the occasion. He would read it, that the House might see whether, even if it were contrary to the Orders of the Horse Guards, it was at all heated or inflammatory.—Mr. Tierney here read the following Letter from the officers to the Prince Regent:

*August 9, 1814.*

“ Sir; It is with the most sincere regret, that we, the officers of your Royal Highness's regiment, feel called on, as a duty we owe to your Royal Highness, as our colonel, and to ourselves, to endeavour to remove any impressions to our preju-

dice, which we fear the repeated animadversions of the duke of Wellington, and the commanding officer of the cavalry, in regard to the conduct of the regiment, may leave in your Royal Highness's mind, with respect to our conduct in the execution of our respective duties, during the period of our services on the continent, if the circumstances should hereafter come to your Royal Highness's knowledge.

“ We can, with confidence, assure your Royal Highness, that we have endeavoured, by every exertion in our power, to maintain the discipline and credit of a regiment so distinguished by your Royal Highness's favour and protection.

“ So peculiarly situated as we feel ourselves, we trust that your Royal Highness will be induced to view with your Royal Highness's usual kind consideration, the motive which makes us feel it our imperious duty to notice with the most poignant and heartfelt regret, reports most generally circulated, to the prejudice of the military character of col. Quentin, and which are so unhappily calculated to throw discredit on the regiment.

“ Deeply as we must regret being compelled to appeal to your Royal Highness on a subject so delicate, we hope and trust that our critical situation will acquit us of any sinister motive.

“ The fear that a knowledge of these circumstances might eventually reach your Royal Highness from other quarters, (which would, consequently, place us in a situation to merit reprehension), has obliged us to lay them before your Royal Highness. Trusting our intention will be seen in the proper light, and impelled by these feelings, which originate solely in the wish to maintain the distinguished character and credit of your Royal Highness's regiment; we remain, with every sentiment of attachment and respect, your Royal Highness's most obedient, and most devoted humble servants,

Worcester, lieut.	G. J. Robarts, major
C. Eversfield, lieut.	and lieut. col.
H. Somerset, lieut.	J. R. Lewes Lloyd,
G. Wombwell, lt.	capt.
C. Wyndham, lieut.	B. Harding, capt.
Horace Seymour, lt.	S. H. Stuart, capt.
H. Fitz Clarence, lt.	G. Fitz Clarence, cap.
A. F. Berkely, lieut.	J. Smith, capt.
I. H. Powell, lieut.	E. Page Turner, capt.
I. Jackson, lieut.	Rob. Giveen, capt.
I. A. Richardson, lt.	C. Synge, capt.
I. C. Green, lieut.	Arthur Hill, capt.
R. B. Palliser, corn.	E. F. Fitzgerald, capt.

This was the letter for which these gentlemen were sentenced to ruin, if they had no other resource than their pay. It was said, that they had thus passed a judgment on their superior officer. But they did not pass the censure on him; lord Combermere and the duke of Wellington had investigated colonel Quentin's conduct, and he had been already pronounced incompetent by the first military characters in the world. Had they wantonly and maliciously stepped forward to throw the first stone—to impeach a character before unspotted? It was because colonel Quentin had been censured, that they came forward. No course could be taken but to apply to their colonel; and it was to their colonel, and not to the crown, that they had applied, to a colonel to whom they had so many reasons to be grateful. Yet the letter was intended to be suppressed, and colonel Quentin had demanded it! He denied that colonel Quentin had any right to demand it. The officers were not compellable to give up evidence which was to have been their own condemnation. The Judge Advocate, as a lawyer, could not maintain it. The lieutenant-colonel might have done that for which, he supposed, he would not be severely punishable—put it in the fire. Was it to be supposed, that, because they had once set pen to paper, they were to be proscribed to all eternity, or at least given to understand, there was no salvation for them in this world? From what he had read of the matter, the case appeared to stand thus: Colonel Palmer had received the letter in question from the officers of his regiment, which they wished him to deliver to the Prince. He having more information on such subjects than them, had advised them not to lay this letter before his Royal Highness. He had thought it better that this letter should not be produced, but that he should be authorized to communicate the substance of it to colonel Quentin, and to speak to his Royal Highness on the subject of it, but without saying any thing of the letter itself. Colonel Quentin having been informed of this, it appeared had subsequently gone into the mess-room, where the officers were assembled, and demanded the letter, as by the command of his Royal Highness. The officers doubted the correctness of this statement, and not believing the Prince Regent had authorized him to make such a demand, had refused to give it up. Af-

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terwards it was proved, the Prince had not given this command; but a conversation between the hon. Colonel and his Royal Highness on the state of the regiment, had ended in the former being asked, where that letter then was? Colonel Palmer had answered, that if it was the command of his Royal Highness that he should give it up, in this, as in every thing else, he was bound to obey; but the officers of the regiment who had signed it, were desirous that it should be considered as never having been written. The hon. colonel was here placed in a very difficult situation: he had addressed the Prince as colonel of the regiment, and had been answered by his Royal Highness in the character of Regent. The letter was, in consequence, given up to the Prince Regent, and it soon found its way to colonel Quentin. He stated this circumstance, to shew that the officers had much reason to complain. He did not impute any blame to his Royal Highness: he did not doubt that the Prince Regent, forgetting that he was colonel of the 10th Hussars, and that, in that character only, he had been addressed on the subject, had remembered that, as sovereign, he was the head of the army. Under these circumstances, he thought himself justified in complaining of the Order issued from the Horse Guards, which made it appear that the whole of the proceedings had originated in this letter, which colonel Palmer had wished not to be published, which the officers of the regiment had desired should be considered as never having been written, and which had only been produced in obedience to the commands of his Royal Highness. He would ask, was this a hardship, or was it not? His Royal Highness had then called on colonel Palmer to prefer charges in form against colonel Quentin. It did not appear that this had previously been the object or the wish of the officers; all they had desired to do, was to clear themselves from blame; but, on attempting this, they were called upon to prefer certain charges against colonel Quentin; and having done so, and established two out of four which they brought forward, the result was, that for doing so, they were broke, or at least sent to the right about. He did not mean to say, that this letter was not originally the cause of the Court-martial, but he was prepared to maintain, that a letter so obtained from these officers, could not be legitimately used as a weapon against

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them, or made the ground of military punishment. He would, indeed, maintain, that no censure or punishment should attach to these officers, which was not warranted by the evidence adduced before the Court, independently of the production of the letter alluded to; and that the production of that letter against the officers, was an act of peculiar harshness. —The right hon. gentleman, on the whole of the case, declared, that he felt himself justified in supporting the motion, not from any view to question the integrity of the Court-martial, but in order to question the conduct of the Horse Guards. He would support the motion, because it appeared to him the only way of investigating the subject to which it referred, and of ascertaining the merits or demerits of these unfortunate officers who had been treated in such an extraordinary manner. He did not hope that, by the course of proceeding he recommended, the House would grant any redress to those officers in a military point of view; all he wished or looked for was, that the House, when the whole case was laid before it, should so act, as to prevent the recurrence of similar cruelty and injustice towards other deserving officers; and he would implore the House so to act. He had no right or inclination to ask the House to decide upon this subject, without fully understanding it; but its acquiescence in this motion was essentially necessary to that understanding. Seeing that the Court-martial expressed no opinion against the officers who had been so severely punished; seeing that nothing but compliments were heard from the members of that court towards the conduct and character of the prosecutors; seeing, in fact, that there was nothing in the sentence of the Court to call for the punishment inflicted —to call for the dismissal from the regiment of twenty-six officers, many of whom had long and eminently served their country, he thought it due to public justice, to the character of those sufferers, and to the character of that House, to ascertain upon what grounds such deserving officers had been transferred to other regiments, in order, as the sentence of punishment prescribed, they might learn the principles of subordination and military discipline.

Mr. *Wellesley Pole* said, that in most of the general principles laid down by the right hon. gentleman who spoke last, he perfectly concurred; no man of honour-

able sentiment could object to them; but he totally differed from him in the manner in which he wished to apply them, and the inferences which he wished to draw from them. Nothing could be more natural than that the right hon. gentleman should, from his connections, feel a lively interest in the subject then under discussion; but with every consideration of that interest, and with the most unfeigned respect of the talent which he had displayed, and approbation of the sentiments which he had advanced, he could not avoid saying, that the arguments which had fallen from the right hon. gentleman amounted to little more than a repetition of those which had been urged by the honourable officer who introduced the motion. It appeared from the right hon. gentleman's statement, that he had regularly attended all the proceedings of this Court-martial; and the whole of his speech amounted to this: that he had formed, in his own mind, a different conclusion from that drawn by the members of the court; though at the same time he neither impeached their credit, nor attributed their sentence to any improper motives. The real state of the case, then, was simply this: that the hon. officer who brought forward the subject, and the right hon. gentleman who spoke last, not concurring in the opinion of the Court-martial, had thought proper to call upon that House to constitute itself a court of appeal, for the purpose of overhauling the proceeding which the crown had taken in consequence of the decision of the Court. The right hon. gentleman had candidly acknowledged, that he did not anticipate any advantage that was likely to result to the officers (whose case he so strongly deplored) from the production of the papers moved for. What, then, he had a right to ask, was the object for which this motion was pressed upon the House? The right hon. gentleman seemed to think that the country would be greatly benefited, if a change could be effected in our military system. If the right hon. gentleman could get the House to concur with him in that opinion, and give him leave to bring in a Bill, he would introduce it, he supposed, with something like the following preamble: "Whereas a court-martial, composed of officers of unimpeached honour, and acting upon their oaths, have, after hearing evidence in a particular case, come to a conclusion different from that which I should have drawn; and whereas

the Horse Guards, acting upon the opinion of that court-martial, and in conformity with the rules of the service, and established precedents, have passed a sentence of which I disapprove; be it therefore enacted, &c. &c." This was, in substance, if not in terms, what the right hon. gentleman was contending; but he did not think that parliament would, upon such grounds, be induced to alter that military system which had of late years attained such an extraordinary degree of perfection, and which had been productive of such unprecedented glory to the country.

He sincerely regretted that this subject had been brought forward, because it could not possibly be productive of any good; for even the hon. mover himself admitted, that the case must be a most extraordinary one indeed, which would justify the House of Commons in erecting itself into a court of appeal from a military tribunal. The hon. officer ought therefore to have done a great deal more than merely repeat to the House the speech which he had made to the Court-martial; he ought to have shewn that there was something so extraordinary and unprecedented in this case, as to call for the interference of the House. His right hon. friend, the Judge Advocate, had distinctly enumerated the only cases in which that House ever had, or ever could, with any regard to established precedent, call for the proceedings of a court-martial, and therefore he could not avoid again expressing his regret, that the hon. officer had been induced to make the present motion. The right of examining, of confirming, or of disapproving the sentence of a court-martial, was by law vested solely in the crown; and he was convinced that that House could not assume to itself such a jurisdiction, without doing material injury to the service. And he begged the House always to bear in mind, that those who called upon it to depart thus widely from its established course of proceedings, neither preferred any charge against the members of the Court-martial, nor imputed to the crown a departure from the precedents by which the service was governed. The right hon. gentleman had expressed his dissent from the opinion expressed by the Court-martial, viz. that the co-operation of the officers was not given to their colonel; but the evidence, in his (Mr. Pole's) opinion, fully justified the opinion expressed by the Court. It would not be proper for him to go into a detailed enumeration of the evidence; but

if any thing were wanting to shew the want of co-operation, it was only necessary to advert to the declaration of the hon. mover himself, that he did not communicate the orders of colonel Quentin, because he considered them as absurd and ridiculous. Could any further proof be wanting, after such a declaration, to shew that the hon. mover did not co-operate with his commanding officer? The right hon. gentleman had contended, that the case respecting the 85th regiment, quoted by his right hon. friend, the Judge Advocate, was not a case in point, because in that case the Court-martial expressed strong disapprobation of the conduct of the officers who preferred the charge. There certainly was that difference between that case and the present; but then, there was this difference in the sentence, that the officers of the 85th were dismissed the service. In the one case, where the conduct of the officers was considered as highly culpable by the court, they were wholly dismissed, not the regiment, but the service; in the other, the officers, actuated by honourable, though erroneous feelings, had violated the rules of the service—they were only removed to other regiments. The case, therefore, appeared to him to be exactly in point; because it shewed, that the sentence of the crown proceeded upon the same principle in both instances. There was no case exactly in point with the present, because there was no precedent of such conduct in officers; but the analogy between the case quoted and the present was complete. In his conception of this case, it mattered very little in what manner these proceedings originated; the fact was, the letter was put into colonel Palmer's hands by the officers, with directions to carry it to the Prince Regent; the first use which the hon. officer made of it, was, to tell colonel Quentin that he had such a letter, and to offer to read it to him, which offer colonel Quentin declined, but desired that the letter might be shewn to the Prince. He would ask the House, could colonel Quentin, if he meant to retain the character of a man of honour and a gentleman, if he did not mean altogether to forfeit his claim to be received in society, could he have adopted any other course than the one he had pursued? Aware of the contents of that letter, could he have done otherwise than demand a court-martial? He had no alternative but to retire from the service in disgrace, or to deter-

mine upon claiming an investigation into his conduct. Here was a letter signed by twenty-three officers, of the high birth, talents, and rank of which the House had heard so much, arraigning the character and conduct of their superior officer. He would ask again, what course could this old and meritorious officer pursue? He might, to be sure, have retired; but if he had, he must have retired from society with disgrace. It was not colonel Quentin, therefore, that forced on the Court-martial, but those who wrote that letter.

The right hon. gentleman said, it was hard these officers should have been called upon to produce a letter to criminate themselves. It appeared, then, that the officers were aware of the nature of that letter; they knew, that if they could not substantiate the charges which they had preferred against their commander, they must submit to the consequence that would inevitably result: they knew that the step they were taking was contrary to the discipline of the army, and that nothing could justify that step, but their proving the material charges which they had preferred against their commanding officer. The right hon. gentleman, however, seemed, in a great part of his speech, to have confined himself entirely to the first letter; he seemed to have forgotten the second letter, written by major Robarts, which contained a direct and unequivocal charge of cowardice against colonel Quentin; and indeed it could not be doubted, that that was the real meaning intended to be conveyed in the first letter. The right hon. gentleman had contended, that these officers were punished for having concurred in opinion with the duke of Wellington and lord Combermere; but the fact was quite the reverse: they were punished for asserting what those great officers had never asserted; they were punished for preferring charges of cowardice against their commanding officer, which they were unable to prove. In one of the charges they certainly did concur with the duke of Wellington and lord Combermere, but it was one of the least of the accusations which they had brought against their superior officer, and for that he had been previously reprimanded by the duke; and he believed it would be a new case in British jurisprudence, to punish a man twice for the same offence.

The right hon. gentleman had said a great deal upon the subject of favouritism, and had complained that these gallant

young officers were dismissed, while the colonel, who had been in part found guilty, had been suffered to remain in command over a parcel of mutinous soldiers. But what was the fact? These young officers had entered into a conspiracy against their commanding officer. [Here there was a cry of order, order!] He did not mean to use the word in an invidious sense; he had before said, that he was convinced that their conduct was influenced by honourable, though erroneous, principles; and he could not be suspected of wishing to speak harshly of them, for there were among those officers some near connections of his own. Those officers had, however, conspired together to prefer charges against their superior officer, an officer of great experience and of excellent character; and some of those charges, let it always be remembered, affected the life and the honour of that officer: of those charges he was acquitted. What, then, must be the result? The accusers and the accused could not be suffered to remain together in the same regiment; that would have been quite impossible. Would it have been right to dismiss the colonel, who had been acquitted of the main charges brought against him, and when the only offence of which he was found guilty he had been punished for before? To have dismissed him, therefore, would have been to inflict a second punishment for the same offence, which would have been unjust and unprecedented. It only remained, then, for the crown to act upon the acknowledged principle of the service, and to remove those officers who had brought forward accusations against their commanding officer, which they were unable to substantiate. If the crown had been influenced by favouritism, surely it would have pursued a very different course. If there had existed any wish (to use a vulgar phrase) to curry favour with great people; surely it would have been more easy to remove one old, almost worn out, though meritorious officer, who had not a single connection in the country, than to remove twenty-three young men of the highest rank, pretensions, and connections in the empire.

He confessed, that he rejoiced in the sentence which was passed in this case, because it would shew to the army and to the public, that neither high birth nor great connections could prevail against justice. It would have a most beneficial effect upon the service; it would teach

young officers not to become generals before they had learned their duty; it would teach them not to pronounce opinions before they were competent to form judgments. Every man at all acquainted with the army, must know that such a lesson would be most salutary. He recollected an expression of a noble relation of his, who said, when some young officers joined him, who entertained a high opinion of their own military proficiency, "They don't know how to mount a guard, but they are all ready to manœuvre an army of 80,000 men." The proceedings in this case would be of great use to the army; it would prove to the young officers of high birth, how little their rank or connections would avail them, if they were not attentive to their duty. [This part of the right hon. gentleman's speech was accompanied with loud and repeated cheers.] He should now conclude with declaring his conviction, that no parliamentary ground had been laid for the production of these papers; he should therefore vote against the motion, being satisfied that the most dangerous consequences would ensue, if parliament were to assume to itself the right of reversing the decisions of courts-martial, unless some extraordinary case were made out, which would call imperiously for its interference.

Mr. Vyse spoke shortly in defence of the decision of the Court-martial, of which his hon. relative had been president, and who, in the anxious duty which he had to perform, had been guided by no private or partial motives. He opposed the motion, on the ground that it was unnecessary, and entered into a short review of the evidence submitted to the Court-martial. He maintained, that there was only a part, and a small part, of the first charge proved, with respect to the foraging party being left without orders. He objected to the principle, that the House of Commons should constitute itself into a court of appeal from courts-martial. Cases might occur of such an extraordinary description as to require their interference; but the dispersion of the officers of the 10th, under the circumstances, was not such a case. He concluded by paying a compliment to the officers, whose conduct in the field entitled and obtained for them the approbation and gratitude of their country.

Mr. Brand said, in the reign of George 2, in 1745, the House had, in one case, thought proper to interfere with the de-

cision of a court-martial, in the case of captain Norris, when, in the teeth of Mr. Pelham, the minister of that day, they had voted the proceedings to be 'partial, arbitrary, and illegal.' The hon. gentleman contended, that the case of the twenty-six officers did not fall under the sense of the General Order quoted by the right hon. the Judge Advocate General; neither did any of the arguments that had been used apply to that of the hon. colonel, who only obeyed the commands of his superior officers. It was admitted also on every side, that the hon. colonel had conducted himself, in the delicate situation in which he was placed, with a degree of temper, candour, and forbearance, which had never been exceeded. There certainly was nothing in the sentence of the court-martial to justify the sentence of the Horse Guards. If that sentence had been founded upon the plea that the Court-martial had censured the want of co-operation on the part of the officers, he should then be able to see some sort of ground for what he must call a most arbitrary measure. A right hon. gentleman opposite had used the epithet conspiracy; but surely, if that right hon. gentleman had rightly and maturely considered the case, he would have abstained from such an expression. Whatever variety of opinions, however, might now exist, there was one thing to be remembered, that when the Act of Settlement should be resumed, as it would be, he believed, on the 17th of next June, the commission of colonel Quentin would be annulled, as he was not naturalised; and he should be glad when that period arrived. He hoped, also, from the experience of the past, that the House would pause before it renewed the suspension of that Act. Supposing there were more Hanoverians in our service than there were at present, he should like to know what might probably have been the consequence even of the present measure? That was a case which the wisdom of our ancestors had not overlooked. The provisions of the Act of Settlement, relating to the introduction of foreign troops, had been framed with a special view to the Dutch guards; and he trusted that the safeguards which had been handed down to us would not be thrown aside, but upon grave and urgent necessity.

Mr. Serjeant Best said, that whoever looked at the list of the names of those officers that had been dismissed from the



10th regiment, must be convinced, that his royal highness the Prince Regent, in acting as he had done, had sacrificed much of private feeling to public duty. With regard to the general merits of the question, nothing, he apprehended, could be more obvious than the necessity of removing officers from a regiment when they had preferred charges against their superior officer, which they failed in proving. No man could look at the charges brought against colonel Quentin, and say, that the officers preferring them could continue to serve with colonel Quentin. A right hon. gentleman had said, that his Royal Highness had forgotten his character as colonel, and had acted unconsciously in his capacity as Regent; but, for his own part, he could not conceive it possible for his Royal Highness, as colonel, to have acted otherwise than he did. If he had not so acted, after knowing the existence of a letter that imputed cowardice to colonel Quentin, it might indeed have been said with propriety, that his Royal Highness was influenced by a principle of favouritism, in screening colonel Quentin from that public investigation which such a charge imperatively demanded. Looking at the result of the Court-martial, he was convinced that the sentence which had been passed was the mildest that could have been passed, consistently with the good of the service. How was the discipline of the army to go on, if that sort of combination was allowed? The precedent quoted by the honourable member who spoke last, did not apply to the present case. There the court-martial was distinctly accused of partial, corrupt, and illegal proceedings, and consequently, those proceedings were a fit subject for the inquiry of that House. But would it be said, that similar accusations were or could be preferred against the Court-martial which sat on colonel Quentin? That was the broad distinction between the two cases. He deprecated the practice of considering that House as a court of appeal; such, he contended, it never could be; but, above all, to increase the facility of receiving appeals from courts-martial, would only tend to overturn the constitution, and destroy the discipline of the army.

Mr. Benson paid a warm compliment to the gallantry of the officers of the 10th. He thought, however, they had been properly reminded, that courage did not form the only requisite of a soldier, but

that subordination was equally necessary. The very consideration of the private consequence of these officers would afford one of the most striking lessons to the army.

Sir C. Burrell contended, on the contrary, that the sentence on these officers was one of the harshest measures ever witnessed against men who had so highly distinguished themselves by their gallantry in the field. There was no proof that they had not most zealously co-operated for the benefit of the service. The fourth charge, which was, in his opinion, completely proved, made the censure passed against the officers the hardest possible. Never had men displayed more gallantry against the enemy. He knew of nothing in the evidence which went to prove that there was any want of co-operation: if there was, he should vote differently from what he at present intended. Lord Edward Somerset's evidence was conclusive against the opinion; and the censure, on the whole, appeared to him unnecessarily severe.

Mr. Peter Moore said, he would assert, in opposition to what had fallen from the learned serjeant, that there was no other court of appeal but that House from the decisions of civil or military courts. He had the authority of lord Kenyon for saying, there could be no grievance without an appropriate remedy. He could also quote a much higher authority—that of the learned Selden, who was an honour to England. Mr. Selden being once asked by king Charles, what was the remedy for rebellion? replied, remove the cause. Being farther asked, what justified rebellion? his answer was, the custom of the country. The same, he would say, was a sufficient justification of the interference of the House on the present occasion.

Colonel Palmer shortly replied. The officers, he said, had only done their duty; and the question before the House was one of the highest importance, not only to the essential interests of the army, but to those of the country at large. The statement of the right hon. gentleman (Mr. Tierney), with respect to the letter, was perfectly correct. Colonel Palmer said, he certainly did lay that letter before his royal highness the Prince Regent, but without the slightest idea of its being made use of to the injury of the officers. He did not, indeed, imagine it would be used at all. He still retained his opinion that the sentence of the Court-martial was

not justified by the evidence adduced, as, in point of fact, it acquitted colonel Quentin, and criminated the officers.

The House then divided: For the motion, 37; against it, 144.

## HOUSE OF COMMONS.

*Friday, November 18.*

PETITION OF ADMIRAL GRAVES, RESPECTING HIS CLAIM TO ONE-SIXTH OF THE BAHAMA ISLANDS.] Mr. Peter Moore presented a Petition from rear-admiral Graves, setting forth:

“That the petitioner has sustained a heavy grievance, for the redress of which he has sought in vain from the public departments of the nation; and that the petitioner, in right of his wife Louisa Carolina Graves, daughter of the late sir John Colleton, became entitled, by letters patent, bearing date the 1st November, in the 22nd year of the reign of king Charles the second, to one-sixth share of the Bahama Islands, with every right and royalty thereunto belonging, granted to sir Peter Colleton, for good causes and considerations moving thereto, from services rendered by his father to their majesties king Charles the first and king Charles the second, at an expense estimated from 60,000*l.* to near 200,000*l.* besides suffering personal pain and exile by the rebels on account of his loyalty; and that the petitioner is wholly deprived of this property by the civil and military officers of the crown, who, under some pretended authority, occupy and use the same without any legal or sufficient right, either from the petitioner since his marriage, or previous thereto, from his wife the said Louisa Carolina Graves; and that the rights of the petitioner and his wife are not only those of private property, but are also, in their nature, sovereign, consisting of the royalties, duties, customs, and admiralty in and over the said islands; these rights embrace every princely power and sovereign authority, and are such as the petitioner is advised cannot be redressed in the ordinary courts of law, without assent on the part of the crown to plead, which assent has been refused, by denying him all interference: and the petitioner further begs leave to state to the House the offers that were made, long after the premises had been actually occupied, to the said Louisa Carolina Graves, at that time Louisa Carolina Colleton, to give her 2,000*l.* for her interest therein, accompa-

nied by strong threats to refuse all remuneration if that sum should be rejected: and the petitioner further states to the House, that these offers and threats were made to an orphan, young and inexperienced, by the Treasury solicitors, acting also at that time as the solicitors of the said Louisa Carolina Graves, who advised and importuned her acceptance of the offer, while they repeated the threats, and urged the actual occupancy of the islands, to prove her helpless situation, and to show that these threats would be enforced: and the petitioner further craves leave to represent to the House, the extreme injustice and hardship of his case; it is an injustice, because the premises were and still are forcibly occupied, though no surrender thereof was ever made or permitted either by the petitioner or by his wife, the said Louisa Carolina Graves: it is a hardship the more severe, because the property was obtained with so much honour and under so heavy a sacrifice; and the petitioner is thus aggrieved by a mode that cannot be defended or palliated upon any ground: the loss sustained comprises the most princely rights, the lucrative royalty of wrecks, the customs, with power to appropriate the same, extensive patronage, civil, military, and ecclesiastical, with the proportionate right to the soil, containing more than 6,000,000 of acres, of which nearly 1,000,000 are plantable land, whose productions are of the most valuable description, amongst which may be reckoned silver, copper, salt, and cotton; and that the petitioner, in appealing to the House for redress, wishes the nature of his grievances and every circumstance connected therewith to be ascertained, and petitions only to receive such redress of his grievances as a fair investigation shall induce the House to determine; and he relies on the House to entertain his complaint with all just regard, to protect him against the unjust dealings which the investigation of his grievances will disclose, and, if not redressed, would leave no man in the safe possession of his property, especially colonial property, if the civil and military officers of the crown determine to occupy it by similar compulsion: and the petitioner further begs leave to represent to the House, that the injuries imposed on him have been converted to the very great advantage of the revenues of the crown, as by an examination into the nature and situation of the property will appear, a

circumstance which the House will perhaps think entitles him more decidedly to their attention; and praying the House to call for the examination of papers and witnesses to admit him and his wife, the said Louisa Carolina Graves, by themselves, their counsel or agents, to the bar, or before a committee of the House, and to take all means known to the usage or precedents of the House for redressing the grievance and protecting the right of the petitioner and of the said Louisa Carolina Graves his wife, and for the preservation of the reversionary right of any other member of his family in and to the premises; and to admit, in like manner, any such reversionary claimant of his family, by himself, his counsel or agents, to the bar, or before a committee of the House, as much as if he had been named in this Petition."

Ordered to lie on the table.

**IRISH SUPERINTENDING MAGISTRATES BILL.]** Mr. Peel said, that as he could not anticipate any opposition, or even objection, to the Bill which he was about to propose, he felt it to be unnecessary to trouble the House with more than a very few words. The House would recollect, that in the course of the last session of parliament, two very important measures, regarding the preservation of the peace in Ireland, had met with their sanction. By one of them, the lord-lieutenant was empowered to proclaim any district in Ireland to be in a state of disturbance, and to appoint a chief magistrate and a certain number of special constables, for the superintendence of the general police of the district so disturbed. A doubt had arisen, whether, in case that two baronies, adjacent to each other, but situated in different counties, should be unfortunately disturbed, and it should be necessary to subject them to the operation of the Bill above mentioned—whether, as the Bill now stood, it would not be necessary to appoint a separate establishment of police in each barony; when, from the limited extent of the two, one would be sufficient for the superintendence of both? Now, as the executive government of Ireland had no wish whatever to multiply the number of appointments under the Bill, or to subject the disturbed districts to any charge that was not absolutely necessary, his present object was, to remove any doubt of the nature before mentioned, to enable the lord-lieutenant to appoint a high magistrate and one set of constables for the two

baronies, and to determine the proportion of expense which should be defrayed by each. This was the main object of the Bill which he was about to introduce, and he had therefore thought it expedient to take this opportunity of adding one or two clauses, requiring the magistrate and the constables to take certain oaths, which were set forth in the Bill.

He felt, however, that the House had a right to require from him, when speaking in reference to a subject of so much importance to the prosperity and happiness of the united kingdom as the internal tranquillity of Ireland, that he should inform them what had been the proceeding adopted by the executive government of Ireland under the act of last session. He had the satisfaction of assuring the House, he had reason to believe that the passing of those acts had been attended with beneficial consequences. To the provisions of the Insurrection Act, it had not been, and he most sincerely hoped that it would not be necessary to resort; and the Peace Preservation Bill had only been called into operation in one single instance, at the unanimous application of a most numerous and respectable meeting of the magistrates of the county of Tipperary. The barony of Middlethird had been proclaimed: he had every reason to believe, that, in the improved tranquillity of that district, and the returning habits of subordination among the lower orders of the peasants, the inhabitants had ample compensation for the charge to which the application of the Bill had subjected them; but the good effects of it had been witnessed, not merely within the narrow sphere to which its operation was nominally confined, but had induced the inhabitants of the neighbouring districts to unite, and to act with energy, for the preservation of the peace, in order that they might escape the tax which the Act would impose, if applied to their districts.

He would take the liberty of adducing one proof of the veracity of his statement. In one of the reports made by Mr. Wilcox, the chief magistrate appointed in Middlethird, it was stated, that the house of a person resident in the barony of Clanwillan, had been attacked and robbed of arms. A party of labourers, having a suspicion of one of the parties concerned in the robbery, took measures for his apprehension; and, headed by a man of the name of Flinn, pursued the robber, and secured him. The man was identified,

and committed to Clonmel gaol. The persons who apprehended him, declared they had done so, in order to keep the tax off their barony; and that no outrage should be committed in their neighbourhood, which would not be followed by their best exertions to bring the perpetrators of it to justice. Here was a combination, singular to be found in its nature, but most beneficial in its consequences—a combination in support of the law of the land.

He might mention, as another proof of the favourable efficacy of the measure, that there was not an enemy to the peace of Ireland, who did not cordially disapprove of it. He hardly knew whether he should descend to notice the gross, and probably wilful misconceptions, which had been resorted to by evil and designing men, in order to bring the measure into disrepute. It had been asserted, that its object was to provide for the adherents of government, and to multiply the means of patronage: he begged the House to judge of the future intentions of government, not from the statements of its enemies, but from their conduct, to that instant in which the opportunity of exercising their authority had occurred in the barony of Middlethird; the chief magistrate selected was, he believed, above all exception, and his appointment free even from the suspicion of any motives but the best. The constables were selected from a list of discharged non-commissioned officers, who could produce the strongest certificates of personal ability, good conduct and character. He defied, and he trusted should always be able to defy, any imputation to raise suspicion, that the government of Ireland had so grossly deserted their duty, as to make the authority with which the House had entrusted them solely for the purpose of restoring tranquillity, directly or indirectly subservient to the extent of their political influence. The hon. gentleman concluded by moving, "That leave be given to bring in a Bill to amend the Act of the 54th Geo. 3, c. 131, to provide for the better execution of the laws in Ireland, by appointing Superintending Magistrates and additional Constables in Counties, in certain cases."

Leave being given to bring in the Bill, it was accordingly presented, and read a first time.

**HACKNEY COACHES ACT AMENDMENT BILL.]** Mr. *Lushington* rose, to move for  
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leave to bring in a Bill to amend the Act of last session respecting hackney coaches, from which considerable inconveniencies had arisen. He owed it to the House and to the public, to state some circumstances relative to this measure. When he entered on the office which he had the honour to hold, he found that frequent application had been made by the commissioners of hackney-coaches, for the sanction of government to better regulations for the hackney-coachmen. It was stated by the commissioners that 170 licences were vacant, and that the horses were in a most wretched state, and the coaches intolerably dirty belonging to those which were used. This was entirely owing to the frauds practised by the drivers on the coach-masters. The commissioners were asked, what could be done? They consulted the hackney-coach masters, and the act which passed last session was the result of their suggestions. A correspondence of some length had lately taken place on the subject, and the result was, that it was admitted on all hands that there was no way but to repeal the clause of the act which respected the giving of tickets, and hereafter to introduce some measure which should be more fully considered. This clause repealed, all that would be left would be the clauses limiting the number of persons to be carried in the coaches, and authorizing the commissioners to grant licences for hackney-chariots. At a future period of the session he might, perhaps, propose further regulations; at present he would merely move, "That leave be given to bring in a Bill to amend the Act of the 54th Geo. 3, c. 147, for the better regulation of drivers of licensed hackney coaches; for explaining and amending an Act passed in the 48th year of his present Majesty, relating to hackney-coaches; and for authorizing the licensing of a limited number of hackney-chariots."

Leave was given to bring in the Bill.

**PROPERTY TAX.]** The Chancellor of the Exchequer having moved the reading of the order of the day for the House to resolve itself into a Committee of Supply,

Mr. *Grenfell* wished not to oppose the motion, but to make a few observations on a question of much importance connected with it. The right hon. gentleman had last night admitted that the Property Tax Act would expire on the 5th of April. If there was any intention to renew it, it be-

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hoped every gentleman to give the subject his most serious attention. His only object in rising was to state, that if the Act should be renewed, he trusted it would contain some provision to temper its severity, and particularly its inquisitorial character, which pressed as hard upon the feelings of the people as the tax itself did on their pockets. He would also recommend, in the event of a renewal of the Act, that some provision should be introduced to render the tax less unequal, and in consequence less unjust in its operation. He alluded to the scale of contribution. What he meant was, that persons in the middle classes of life, who possessed an income from two hundred to five hundred pounds, should not be subject to the same percentage as persons whose income amounted to ten, twenty, or fifty thousand pounds. There was another desirable thing, of minor, but yet of considerable importance, and that was, that some restraint should be imposed, either by way of oath or penalty, which should secure individuals from the exposure of their incomes by the commissioners. It was a matter of great surprise to him, that no such provision existed in the present Act. In this latter observation he begged not to be by any means understood to refer to the commissioners for the general purposes of the Act, who had discharged their duty with so much honour to themselves, but to those who carried into effect its details:

ARMY EXTRAORDINARIES.] The order of the day was then read; and the account of the bills of exchange drawn for the extraordinaries of the army having been referred to the committee, the Speaker left the chair.

The *Chancellor of the Exchequer* said, that he was not aware that it would be necessary for him at the present moment to enter into any statement with respect to the vote which he was about to propose, any further than to say, it was to supply the amount of bills drawn for army extraordinaries. Should any explanations, however, be required, he should be very happy to afford them. He moved, "That it is the opinion of this committee, that a sum, not exceeding eight millions, be granted to his Majesty, towards making good the amount of bills of exchange drawn upon the lords commissioners of his Majesty's Treasury for the extraordinary expenses of the army, and which have been paid out of money issued to the pay-

master of the forces, between the 24th day of December 1813 and the 1st day of November 1814."

Mr. *Tierney* thought it highly extraordinary that the right hon. gentleman should call on the committee to vote so large a sum as 8,000,000*l.* simply on the ground that he wanted it, without any explanation whatever. He was far from wishing to throw any difficulties in the way of government, but it ought to be remembered by the committee, that 9,000,000*l.* had been voted for the same purpose last year, of which no account had been given, except the simple one that it had been expended. Every body knew that the army extraordinaries embraced a number of subjects, of which the details might and ought to be given. But this 9,000,000*l.* it seemed was gone, and it was now succeeded by a proposition for 8,000,000*l.* more, which, added to the vote of credit, made a sum of above 20,000,000*l.* of the public money, of the expenditure of which parliament actually knew nothing! Was it decent (he did not use the word invidiously) to treat the House thus? If, without giving any further information, the right hon. gentleman proceeded, he dared to say he would carry his point, but he must protest against the proceeding as highly indecorous. There was another point also on which he had last night understood the right hon. gentleman to say he would enter into a detailed statement, namely, our subsidiary agreements with the continental powers.

The *Chancellor of the Exchequer* said, he had no other motive than the convenience of the committee for abstaining from making any observations prior to his motion. He was neither unwilling nor unprepared to afford all the explanation which the honourable gentleman desired. The honourable gentleman had said that the sum moved for was of great magnitude. Certainly it was; of so considerable magnitude, when combined with the votes to which parliament had already come on the same subject, that nothing but the extraordinary circumstances which were in the recollection of all who heard him, could account for the amount. He had conceived that it would be more convenient to the committee to abstain from details until the accounts should be on the table, by which they would be minutely explained: but he had no objection to proceed at present, and make a general

statement of the whole. He repeated, that when the great amount of our military expenses was considered, nothing could justify that expenditure but the result. He was perfectly aware, that unless he were able to shew (as shew he could with perfect ease) that, if parliament had not entrusted to his Majesty's ministers the mighty means which had been confided to them, the duke of Wellington would, at this moment, have been defending the frontiers of Portugal, and our allies have been pursuing a hopeless war, or have made a separate and inglorious peace, on the Vistula or the Oder, he should not be justified in proposing the vote of that evening. But, satisfied as he was that the events which had taken place could be proved to be the results of the liberality of the British Parliament, with as much certainty as any thing could be proved that depended on the contingency of human affairs, he had no difficulty or hesitation on the subject. The accounts that had been laid on the table would show, that a sum nearly amounting to 19,000,000*l.* had been drawn this year by bills on the Treasury for Army Extraordinaries. He would state the places from which they had proceeded, the amount from each place, and subsequently their objects. Guernsey and Jersey, 24,000*l.*; Heligoland, 46,000*l.*; Germany and the North of France, 1,411,000*l.*; Spain, Portugal, and the South of France, 8,612,000*l.*; Gibraltar and the Mediterranean, 4,259,000*l.* The two latter sums, amounting to little less than 13,000,000*l.* were the immediate consequence of the war in the Peninsula. The West Indies, 889,000*l.*; North America, 3,112,000*l.*; South America, 233,000*l.* There were several other smaller sums, making a total of 18,900,000*l.* It would appear by the papers that our expenditure in the Peninsula alone, including the sums drawn from other quarters, but applied to the same service, during the year amounted to at least 15,000,000*l.* To all those who recollected the situation of things two years ago, nothing could be more obvious than that there was at that time a great crisis in the affairs of Europe. At the moment of the explosion of the war between France and Russia, it was clear, that whoever was the conqueror would remain master of the destinies of the world. Had the French emperor succeeded in his design of subjugating Russia, England would have been the only nation in the world who could have withstood his arms; if,

indeed, she could have stood alone amidst the general ruin. This appeared to those who at the time were entrusted with the conduct of British policy, a crisis in which all minor considerations must yield to the necessity of a most vigorous exertion. Nothing short of an expenditure, which might almost be called unlimited, and which was not calculated upon any former experience, was in fact adequate to the occasion. He well remembered an expression made use of by the right hon. gentleman opposite at that period. When he (the Chancellor of the Exchequer) in consequence of the view which his Majesty's government took of public affairs, submitted to parliament a plan of furnishing means of expenditure nearly unlimited, and at the same time without pressing immediately on the country, the hon. gentleman exclaimed, "There are large funds provided; I have no doubt we shall have vigorous war; and I dare say they will all be expended in one year." The hon. gentleman was not disappointed—they had a vigorous war; and the world was not disappointed in the consequences: but in his calculation he was not equally happy: the funds, which the right hon. gentleman predicted would be expended in one year, have been found sufficient for three years, even of such expenditure as we have lately seen. But to revert to his subject: In 1812, soon after the deplorable catastrophe, which had placed him in his present office, by depriving the country of the services of one of the most virtuous and amiable of men, the duke of Wellington wrote to his Majesty's government, informing them that he found, whatever military force he possessed, he could not extend his operations without a much greater supply of money. Unprovided with this, he must remain chained to the posts which he then occupied, and to a defensive system, as he could not advance to a distance from the supplies he received by sea; but he thought that if he could be furnished with about 100,000*l.* a month, he might be able to do much. His Majesty's ministers undertook to afford him this supply under any inconvenience, and at whatever hazard. During the first year, they furnished him with money at about the rate of 150,000*l.* a month. In the last year this supply was considerably increased; and during the spring of the present year it was sometimes carried as high as 400,000*l.* or 500,000*l.* a month. Of the money thus remitted from this

country to the duke of Wellington about 3,300,000*l.* was in specie, besides 410,000*l.* in specie imported from South America, (a part of which, however, had since been sent to Canada) so that a sum of not much less than 4,000,000*l.* had been furnished in specie for the use of the British army. To all this was to be added large sums drawn by bills on the Treasury, which made the whole amount that which he had already stated. The fact was, that even with every aid that could be afforded him, it required all the profound skill and admirable combination of our great commander to effect a movement of the British army through a country so exhausted as that in which it was to operate, and to furnish it with an adequate supply in its march. Having said so much of the exertions made by us in Spain and the South of France, he would proceed, in compliance with the hint of the hon. gentleman, to explain those engagements with our allies, to which, in some degree, was attributable the glorious success of the campaign in the North. Many of these engagements had already received the sanction of parliament, as would appear by the papers on the table. By the treaty of Chaumont, the British government agreed to advance to Austria, Russia, and Prussia, the sum of 5,000,000*l.* for the year 1814, if the war should last the whole year; if not, then a proportionate payment of two months was to be allowed to Austria and Prussia after the signature of peace, and of four months to Russia, to assist the troops of those nations to return to their respective countries. The whole of the money which we had thus stipulated to pay, had been discharged, with the exception of a sum for the Russian fleet, respecting which some difficulty had arisen, that had been referred to the adjustment of his noble friend at Vienna.—[Mr. Tierney inquired the amount of that sum.]—The sum remaining in doubt was not very considerable, about 100,000*l.* more or less. To Austria and Prussia we had paid 970,000*l.* each, their proportion for seven months of the third of the 5,000,000*l.*; to Russia 1,250,000*l.*; to Sweden 500,000*l.* for five months subsidy for the war; and 300,000*l.* being three months allowance for the return of the Swedish troops to Sweden; 10,000 Danes had also been subsidized, according to the treaty on the table of the House, and 150,000*l.* had been paid to Denmark in consequence. By a treaty, long since laid on the table of the

House, it was stipulated that 400,000*l.* should be received annually by his Sicilian majesty to the end of the war. The proportion had been paid. He had recently explained the nature of our pecuniary engagements with Portugal and Spain. For some years we had made Portugal a formal allowance of 2,000,000*l.* annually, partly paid in money, and partly furnished in supplies. Of that sum we had paid Portugal the proper proportion for the service of her troops in the present year, and four months allowance for their return. With Spain, we had no such regular agreement, but we had advanced 1,000,000*l.* a year to the aid of the Spanish armies, of which we had paid Spain her proportion, together with the allowance for the return of her troops. We had also afforded considerable assistance to the Spanish government, in advances of supplies, which it had been agreed to consider as a loan, for which that government was still indebted to us. The only remaining article was a subsidiary corps of 15,000 Hanoverians, placed originally under the command of the crown prince of Sweden, and now garrisoning the towns of the Netherlands. We had only, however, paid half the expense of these troops since the month of July, and even that would eventually be repaid. The right hon. gentleman here recapitulated the various sums, and stated that the total was somewhat less than 7,300,000*l.*

Towards the defraying these subsidiary payments, parliament had first granted the sum of 4,200,000*l.* and afterwards granted three millions more, by way of vote of credit, falling only one hundred thousand pounds short of the payments. He had entered into this detail, though it was not, strictly speaking, connected with what was more immediately before the House. He had no reason to believe that the deficiency would, when the accounts of the whole of the army extraordinaries were made out more completely, differ materially from the sum which he had stated to them as arising from the bills drawn on the Treasury alone. It would be, he believed, made good by about two millions more than the vote of eight millions, which he should immediately propose.

Mr. Tierney wished to know from the right hon. gentleman, whether he included the two millions in the votes of nineteen millions, or whether it was to be in addition to them?

The *Chancellor of the Exchequer* said, he included the two millions in the nineteen

millions. Some further deficiency might perhaps occur; but so far as he could judge, the further sum of ten millions would be about equal to the whole of the deficiency of the army extraordinaries. Having stated these particulars to the House, he had only further to observe, that however extraordinary the result of our military operations had been, however much they had to congratulate themselves on the state of the country, and although retrenchments to a considerable extent had been already made, and would be made to a greater extent hereafter, yet the circumstances in which the country was placed, rendered it still necessary to call for fresh exertions. A considerable saving in our expenses had been already effected. They were at present two millions a month less than they were last year. This led him to hope, that whenever the unfortunate contest with America was brought to a close, such a reduction of our charges would take place, as would place our expenses within our means. At present, however, the country must certainly look for a continuation of great exertions. The House, and the public, who had borne, for so many years, the extraordinary charges called for by the operations which had led to such great and glorious results, would not surely forbear to continue them, when they became necessary to enable them to reap the benefit of the sacrifices they had already made: and they would, he had no doubt, be ready, as far as in their power, to make every exertion which the situation of the country might still demand.

Mr. *Tierney* regretted to hear this call upon the country for fresh exertions, after the very great exertions which they had already made. So far from the statement which they had heard from the right hon. the Chancellor of the Exchequer being at all satisfactory to him, he had no hesitation in saying, that he would not vote for the sum wanted, without a more distinct explanation than that which had been given. The statement which the right hon. gentleman had made to them, he dared to say was correct as far as it went; but, without the necessary documentary explanations, he could not consider himself as justified in giving his vote. It would seem that government thought they had nothing more to do, at any time, than to ask for a grant of money without producing any accounts, merely because the

usual time was not arrived for making out these accounts. If this practice were suffered to be continued, he had no hesitation in saying, that there would be an end to every thing like investigation. The House now knew distinctly what the meaning of ministers was, when they called on them for great exertions. This language had been so often used in the course of the former war, that its import was now fully appreciated. Whenever the House ventured to repose any confidence in ministers, they seemed perfectly disposed to carry the power reposed in them to the utmost extent. He thought that government had dealt somewhat unfairly by them; ministers seemed to imagine, that they might enter into any engagements to any extent, without ever taking the sense of parliament on the subject; and that these engagements would be afterwards ratified as things of course by the House, although it had never had an opportunity of knowing, previously, any thing of the matter. The right hon. gentleman might have informed the House of all those particulars which he had communicated to them that night, before the end of last session; for, as far as he could collect from the dates detailed to them, there was nothing which was not known before the 30th of July. In return for the confidence placed in government by the House, they thought they had nothing to do but to lead them on in the dark, and to act exactly as they pleased. When the necessity for making greater exertions in the prosecution of the war in the Peninsula had been formerly suggested, and when a noble lord retired from his situation in the government, because the war was not prosecuted on a sufficiently extensive scale, ministers then contended, that it was impossible to increase the expenditure; and yet, without the knowledge of parliament, ministers had now embarked on a sea of expenses. As a member of parliament, it was utterly impossible for him to vote a sum of this magnitude, without knowing better why he was voting it. The House seemed now but too much disposed to vote enormous sums of money as mere matters of course. When he first came into that House as a member of parliament, more ado was made on Mr. Pitt's proposing five or six hundred thousand pounds, than now, when they were asked for 15 or 20 millions. He had the less hesitation in opposing the present vote, as, by so doing, he could no longer be said to interfere with the pro-



gress of the war. It could not be now urged, that by opposing ministers, he was palsyng government—that we were now in a great and momentous crisis. The crisis was now determined. Ministers, however, thought they had only to say, “we want eight millions at present; there is no occasion for asking any further questions about it now, you shall have an opportunity of talking when we want two millions more by-and-bye, and you ought to vote without farther information than what has been given to you.” He was ready to say, that he had no doubt the right hon. the Chancellor of the Exchequer had given them all the information in his power; but he wished a more detailed statement than that which he had received. This matter ought to be thoroughly investigated by the committee. Now, he would ask, were we to go on with the American war? They had got the alarming word ‘great exertions;’ this was a very vague expression: what one might think very handsome, another might view in a very different light. Ministers thought, because they called for money before Christmas, and the time was not arrived for making out the public accounts, that the House must at once vote the money. Before, however, he had had an opportunity of entering into a critical examination of the grounds on which ministers demanded this sum, he could not consent to give his vote for it. The House must be infatuated, if, with the prospect of another war before them, they continued to repose this sort of unlimited confidence in ministers. Either from error, or a love of concealment, they had kept the House completely in the dark;—they might have given the whole of the information of this night, before the close of last session. He understood from the right hon. gentleman, that 75,000 men ought to be kept up on the continent; he understood also that a certain quantity of troops were to be kept up; but then he did not understand if the troops kept up were partly to be composed of Hanoverians.—[‘Yes,’ from the Chancellor of the Exchequer, across the table.] Why, then, he was to understand that they did—then the 15,000 Hanoverian troops were not to be paid by this government, but by Hanover.

The *Chancellor of the Exchequer* said, that one half of the expense of these troops was only to be advanced by this country, and that half was afterwards to be repaid.

Mr. *Tierney* asked what security they had for the repayment? The right hon. the Chancellor of the Exchequer, not contented with asking him to place confidence in himself, now wished him to place confidence in the Chancellor of the Hanoverian Exchequer also. So then, under this blessed treaty, until the repartition of Europe was completed, Hanover, which had been made a kingdom, and was to gain a great accession of territory, was to have the whole of the benefit without being at any of the expense. In order that Hanover should be made a kingdom and gain an accession of territory, England was to pay for it. Did the right hon. gentleman mean to say that Hanover had no funds of its own? If he was rightly informed, there was a considerable sum standing in this country in the name of the Regency of Hanover. Did the right hon. gentleman mean to say, then, that all this expense was to be borne by this country for Hanover? Every farthing which was now voted must be supplied by direct taxes; for the House were very much mistaken, indeed, if they supposed that every farthing which they voted had not to be made good in that way. Hanover was to be the gainer, but England the payer. Every expense of every state whatever, was, one would think, to be borne by this country. If Russia chose to send her ships of war here, we were to pay her for her men of war remaining in our harbours. He would ask the House, if the time did not seem to be now arrived, when it became necessary to watch with the utmost vigilance over our future expenditure? He only asked the House to suspend payment of the sums demanded from them till they had the proper documents, because, if they did not act in this manner, they would have no check for improper payments in future. With respect to the present vote he should observe, that he conceived the bills drawn on the Treasury formed the smallest part of the army extraordinaries. He wished to ask, therefore, if the whole of the army extraordinaries were included in the sum of 19 millions, the sum now on the table, and if this included all payments whatever to the troops? [The Chancellor of the Exchequer answered across the table in the affirmative.] Then he was to understand that this included every thing that had been incurred up to the period he was speaking. He was glad that was the case. The House seemed to hear demands of

millions made upon them with a complacency which shewed that they were great lovers of their country: on this subject their nerves seemed to be strong enough for any thing. All he asked was, that they would not vote that money away in such a manner as to encourage repetition of what they had witnessed. To shew their confidence in ministers, the House gave them a vote of credit, beyond which they had no right to pay one single sixpence without receiving the approbation of parliament. During the last session of parliament, ministers knew they were going on in a career which would lead to a great excess over the vote of credit, and yet they had kept parliament entirely in the dark. Though peace had been the result of the operations in which the country was embarked, yet that was no reason why he should ask no questions respecting the manner in which the expenditure was incurred. He would contend that there would be an end of all the functions of parliament, if they agreed to vote this eight millions without inquiring further for what they were voting.

The *Chancellor of the Exchequer* said, he conceived the sums now asked, with those formerly voted, would be sufficient to cover every head of Army Extraordinaries. Having given an answer to what he might, he hoped without offence, call the pertinent part of the speech of the right hon. gentleman, he would next notice some other particulars which the right hon. gentleman had, in his opinion, alluded to with less propriety. He had said, that it was extraordinary parliament should be now called to make good what was not communicated to them during the last session, although then known to ministers. Now, he would say that every one of the measures adopted by ministers had been previously communicated to parliament, and had received their sanction, except that small portion of them which related to Hanover. The right hon. gentleman seemed to think it no excuse for the Treasury that it was impossible for them to do otherwise than they did.

Mr. *Tierney* said, it might be impossible for the right hon. gentleman to account for the whole of the 10 millions at the present moment, but it was not impossible for him to give an account of a certain proportion of it.

The *Chancellor of the Exchequer* said, that what he asked was to have the arrear already incurred defrayed. Whether

this money should be accounted for satisfactorily or not, it must be defrayed at the public expense. He trusted that they would be able to account satisfactorily for every farthing intrusted to them; but at all events, whatever censure might fall on themselves, the burden would not the less fall on the public. The question of merit or demerit was still open to the House. The right hon. gentleman had asked why Hanover did not pay her own troops? The fact was, that we employed Hanoverian troops exactly in the same manner as we employed any other subsidiary troops, for our own purposes, and not for the purposes of the government of Hanover. Hanover would undoubtedly pay its own forces, when its own interest was concerned. No states but the four great powers were called on to make any exertions for the maintenance of such a force as was thought adequate for the common purpose. Had Hanover been called on to produce its contingent, it would no doubt have done so; but it had no more been called on than many other powers; some of which, as Bavaria for instance, were much more able than Hanover to keep up a large military establishment. He thought he had already sufficiently explained the reason why Hanover was made a kingdom. This was a point with which this country had no concern whatever. The resolution was taken without consulting this country, or any of his Majesty's advisers here. The resolution was formed by the principal powers of Germany, as it was thought the titles of electors could no longer be retained with any degree of propriety. Surely, when there was no longer any emperor to elect, there could be no use for electors! Whether the powers of Germany chose to be called grand dukes or kings, or by any other title, this country had no concern with it: this much with respect to the point of Hanover. He was rather a little surprised to hear the right hon. gentleman speak in the way he did about the Russian ships which had been in our harbours, and had co-operated with our own navy. This country had been so struck with the confidence reposed in us by Russia, of placing its fleet at our disposal at the time it took place, that he believed there was no sum which we would pay with greater pleasure than that which was demanded for the Russian fleet.

Mr. *Baring* thought, that if Hanover was to acquire considerable accessions, she

ought to contribute to the expense of the acquisition. But he wished to draw the attention of the House to the subject more immediately before them, the army extraordinaries. Here, he confessed, it would not much aid his purpose, even if he had the details which his right hon. friend had asked for; for when they did come, they were always so little satisfactory, and so insufficient for any purpose of explanation, that it was almost immaterial when they were laid on the table of the House. They would merely shew that there was drawn by Mr. Commissary Such-a-one bills for so many millions on the Treasury, and so many by another; but the House were never acquainted with the real nature of the expenditure. A great many sums, for instance, were drawn in the Mediterranean which were expended in Spain, the place from which the bills were drawn throwing thus no light on the place or nature of the expenditure. Not only were the House unacquainted with the nature of the expenditure, but he would venture to say that his Majesty's ministers were themselves unacquainted with it; for no man, he believed, in any department under government, knew any more than the House, when they were told that so much was drawn in one quarter, and so much in another. The fact was, that no account of military expenditure since 1807 had been audited. There was not only no account before this House, but there was no account before any department of government, of any expenditure in the Mediterranean, the Peninsula, or America, for the last seven or eight years, which was audited.—[Hear! from the ministerial bench.] He was happy to hear the cheering of the gentlemen opposite, as he trusted they would be able to afford the explanation which he wanted; and it was his intention, therefore, to move for these accounts up to the period when they were audited. He thought he might venture to say, that not one account of the expenditure in the Peninsula was audited. The right hon. gentleman at the head of the finances was possessed of as little information as the House. He wished to call the attention of the House to the enormous abuses in the expenditure in the Peninsula. He alluded to the manner in which the expenditure was made in the Peninsula. It was true the results had been great, but the country were not to consider those results alone, or the hero who was

so justly the pride of the country. It was the duty of the House to stand between the examination of these accounts and abuses. The House should rather feel themselves under a necessity of guarding against any impressions of that kind. It was not to that great man, however, but to the conduct of the persons under whose care the commissariat was placed, that he objected to it. The supplies were furnished in different parts of Spain, principally by muleteers, and persons of a similar description, who provided cattle and mules for transport and otherwise; and they were paid in this manner: they received a certificate of the service, stating that so much had been performed, and that so much was due to them. This was the manner in which all payments were made. Now let any gentleman suppose, if a Spanish army was in the midst of the mountains of Wales, and was to give Spanish certificates to the Welsh mountaineers for what was furnished to them, and consider what the consequence would be. The certificates were sold at a discount of from 50 to 60 per cent. If the House were to appoint a committee to examine into this matter, they would find that the persons furnishing had not received more than one third of what was paid by the public. The real nature of the transaction was this; the commissaries, or their friends, paid the certificates: a certain description of sharks followed the army, who bought up this paper from these poor fellows. Enormous fortunes had in this way been made in Spain. If a committee should be appointed to inquire into this, it would be found that he was not overstating the discount, when he called it 50 per cent. He had seen a letter in which it was stated at 55 per cent. On the 28th of October last, it was at 25 per cent.; and the commissary paper at Lisbon at 8 and 9½ per cent. discount. He would put it to the Committee, what any government could be about, when, year after year, they suffered things to go on in this manner, and allow the public money to be so squandered away. He knew it would be said, there was a difficulty of procuring specie; but if specie had been procured at Lisbon, or any where else, the people would have given for one-third of a dollar what the country would have to pay a dollar for. The Committee would observe, that it was the system itself which occasioned the difficulties. Ten millions were paid for what could have been obtained

for four or five millions. Even now, with the means of getting as much specie as could be wished for, as, for the last twelve months, it had been nearly at par, and there was a great demand for bills on Cadiz, Lisbon and Gibraltar, this practice was continued, and the paper was at a great discount. Every practice had been resorted to to check this currency paper, and to vilify it. He never had had any concern with it himself, but he had seen a letter from a person engaged in carrying on this business, stating that he could buy this paper at 30, 28 and 27l. per cent. discount; but it was so hazardous a matter, that he did not like to engage deeply in it. There were many forgeries, and there were no means of carrying the paper to persons in office for the purpose of being verified. The public thus suffered all the effects of a depreciation arising from this cause, for a want of appointing proper offices for verification. At Bourdeaux the discount upon government paper was also great; and it was the general persuasion of all persons acquainted with the subject, that great fortunes must have been made in the way he had described: he could quote no particular instances; but from the nature of the transactions, and from the dispositions of men, it must inevitably be so. Where there were the means of obtaining money, the opportunity would not be lost. The fault was, that the agents of government did not procure specie at Lisbon, Cadiz, or some other large cities, at a discount certainly, but not so enormous as under the mode that had been adopted, and with the additional security, that those into whose hands the bills passed would be aware of their value. Ignorant peasants and muleteers, who could not read, were not very good judges of the actual worth of a bill upon the British Treasury. It was obvious, that at some time or other the House must appoint a committee; and when it was nominated, Mr. Baring said he would undertake to establish in evidence all that he had stated. Of the difficulty of examining the accounts in a satisfactory manner, after so long a period had elapsed, he spoke at some length, and observed, under such a system it was not a matter of surprise that governments should be imposed upon. Yet the same thing was now going on in America. He thought it might be expedient to appoint a committee to audit the accounts annually. The war in Spain had commenced in 1808, and it was not till 1813 that a person was

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sent out to audit the accounts. The individual sent was a very respectable man, but he believed not very fit for the business which he was directed to perform. He had understood the commissaries in the Peninsula had refused to give in their accounts to him, and that he found it not only difficult, but impossible to bring them to book. While the right hon. gentleman exhorted them to look the expenditure of the country boldly in the face, he hoped he would look these gentlemen in the face, and that he, or at least the House, would see their accounts closely examined.

Mr. Gordon wished to call the attention of the committee to a point in which the honour and character of the nation were concerned. The right hon. the Chancellor of the Exchequer had asserted in his speech that this country was now paying half the war subsidy to Sicily, in consideration of her still being at war with Naples. Was not Great Britain in a state of amity with that kingdom; and if so, upon what system of policy was it that she was to pay a subsidy to Sicily, to carry on hostilities with a power with whom she herself was at peace? This contradiction required some explanation. It seemed indeed as if Ministers were very anxious to get rid of the public money, when they squandered it on such paradoxical schemes.

The *Chancellor of the Exchequer* replied; that the part of the subsidy in question was not paid merely in consideration of her being at war with Naples, but in consequence of an agreement to continue the payment of half the subsidy stipulated by treaty, until the Congress of Vienna should fix the extent of the dominion of the kingdom of Sicily. With respect to the suggestion of the necessity of the appointment of a committee to audit public accounts, if a committee could have pointed out the proper remedy, it would long ago have been adopted. Mr. Pitt, the Speaker, the marquis of Lansdowne, and the hon. gentleman opposite (Mr. Bankes), had all given unwearied attention to this subject, but none had been able to remedy the evil. He did not think that in the present instance there was much to meet complaint, for three of the commissaries general had already transmitted their accounts to England, and the fourth had sent them to the auditor in the Peninsula, appointed to examine commissariat accounts upon the spot. He was well aware that great frauds might have been committed under the appearance of regu-

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lar vouchers; but no pains had been spared to detect them, and where suspicion existed, to sift the subject thoroughly. Whatever opinion the hon. gentleman might entertain of the persons forming the commissariat department, the country was undoubtedly greatly indebted to such of them as discharged their duty with diligence and fidelity. Guilt might be found perhaps among them, but it was not fair to make them all objects of suspicion; he was sure that many would willingly lend their aid to strip the garb of truth from falsehood, and to separate the innocent from the guilty. The hon. gentleman did not seem to be aware of the great difficulty of obtaining specie at all times, and in all situations: it was found inevitably necessary to resort to some negotiable government paper, although the agents had been strictly charged to lose no opportunity of procuring the more substantial substitute. To this country one of the most satisfactory parts of the great result was, that the exchange had of late been constantly improving; nothing could more strongly prove the invincible vigour and activity of British commerce, even under all the disadvantages resulting from a considerable part of our population having left this country for France, on excursions of pleasure, as well as from the great expenditure of the government. In the contest with America, there was at least one satisfaction, that this issue of government paper, so much complained of, need not take place, since we could procure a quantity of specie adequate to the wants of our army. There yet remained due on account of the Spanish war, between 7 and 8 millions of dollars, so far as appeared by the last estimates transmitted, but which might prove incomplete.

Mr. *Baring* again asserted, that the mode of payment in the Peninsula had opened a wide door for plunder and peculation. The way a commissary could avail himself of this was plain. Having hired mules at a dollar per day, it was easy to send a man to purchase the certificates of service with which the owner of them was paid. This, in most cases, could be effected for about one-third of their value; and the commissary would have a good document to shew, one that he (Mr. *Baring*) dared to say would not be scrupled at Somerset-house. This gentleman, possessed of these vouchers, might sit down in any county of England, with a fortune

of half a million, and still be considered one of those immaculately virtuous characters to whom the right hon. gentleman had alluded. He meant to reflect on no individual, and was anxious not to appear to do so on sir R. Kennedy, a gentleman whom he well knew, and knew to be a man of unblemished honour; but he thought it would be prudent in ministers to make the gentlemen of the commissariat give in their accounts before they made them knights and baronets. He again contended, that none of the accounts connected with the war on the Peninsula had been passed. This dilatoriness he contrasted with the promptitude which marked the East India Company's system; they had the accounts of the expenditure in their Indian wars investigated and settled with the utmost correctness and regularity. As the right hon. gentleman had treated the House with a quotation from Mr. Burke, he would give him one in return. Speaking of the system of auditing public accounts, he said—"I would as soon think of attacking the prerogative of the crown as the officers of the Treasury, by introducing any rational mode of auditing the public accounts." The whole difficulty arose from the opposition made by the officers of the Treasury to secure their trumpery fees.

Mr. *Rose* entered into a short history of what had been done during the administration of Mr. Pitt, and at a subsequent period, to facilitate the passing of the public accounts. The first act on the subject he introduced under the auspices of Mr. Pitt; but, as the two auditors who were appointed under it had not sufficient power, the 34th of the King was passed, which provided for a detailed examination of accounts. Under that act, a portion of the accounts of the American war, which had not been investigated, was audited; and certain great military characters, who held civil situations in America, were obliged to give up very large sums, which, otherwise, they would have kept in their own pockets. This act had since been amended; and he believed it would be found very difficult to suggest any further improvement. If the hon. gentleman had done so, and his representation had not been attended to, he would have had a reason for complaint, which he could not now adduce. A proper provision was made for the persons in the commissariat department. The commissary-general was allowed 5*l.* a day, and retired on

half-pay; and at the time the increase of salary took place, he told the gentlemen, (as he had sworn afterwards on a trial in the court of King's-bench)—“Here is a fair remuneration for you, and if you put one pound beyond it in your pockets, I hope I shall see a halter put about your necks, or witness your punishment in the most exemplary manner.” There was no protection afforded to persons who acted fraudulently, as the hon. gentleman insinuated. Wherever a peculator was discovered, he was prosecuted; and where accounts appeared to be of a very intricate nature, auditors were sent out to examine them on the spot. The honourable gentleman must himself know, that the accounts of Mr. Wigglesworth, who had been sent out to St. Domingo, were thus inspected by a relation of his own; auditors had in like manner been sent to different parts of the West Indies, and to the Peninsula. The general reflections of the hon. gentleman were perfectly unfair. If he knew any case that called for severity, let him state it distinctly, and it would be attended to.

Mr. Baring acknowledged that Mr. Wigglesworth's accounts were correctly settled; but nine or ten years had elapsed first, and they ought to have been audited in as many days. The accounts of the late sir Brook Watson, than whom a more upright man did not exist, were not audited at the present day. It was this system of procrastination of which he complained. In no country in the world was business of this kind carried on in so slovenly a manner; and it was by submitting to it that plundering and speculation were encouraged.

Mr. Banks, after eulogising the exertions of the committee of national expenditure, proceeded to observe, that the auditors of the public accounts were embarrassed by the old forms of the Exchequer. He had represented this inconvenience to his right hon. friend (Mr. Rose), and proposed that the public accounts should be carried on in the same mode that was adopted by the first mercantile houses; but his suggestion was not attended to.

Mr. Rose observed, that the old forms of the Exchequer could not embarrass the auditors, since the public accounts passed the Exchequer before they were examined by those gentlemen.

Mr. Ponsonby observed, that the right hon. the Chancellor of the Exchequer

seemed to take credit to himself for demanding only eight millions. Now, he would ask, supposing, when he went out of the House, he was required to state for what this sum was required, what answer could he give? Was there a man among them, except the right hon. gentleman himself, who could give any more specific reply than that it was to pay the expenses of the army? Would this be satisfactory; or, would not their constituents require to be put a little in possession of the manner in which this enormous sum was to be expended? For his own part, he considered it highly expedient that the increasing expenses of the army should be brought under the view of the House with as little delay as possible, and in such a shape as to admit of a clear and satisfactory explanation. Without this, it was impossible to put bounds to those excessive disbursements which had of late taken place. He held a paper in his hand, upon which he was desirous of putting a question to the right hon. gentleman; he alluded to an additional article in the treaty with Sweden, which purposed to bear date October 22, 1813, now nearly thirteen months ago, and yet this document had not been put into the possession of parliament till within the last two or three days. He wished to know in what manner the right hon. gentleman could account for this extraordinary delay. And so with regard to another treaty; he alluded to the supplement to the treaty of Chaumont. This bore date the 23rd of June, and although the House sat till the 30th of July, no intimation upon the subject had been given to them: they had never heard a word of it, as if his Majesty's ministers were emulous to postpone giving to the House that information, which, for every reason, it was important they should receive, till the latest possible period. The right hon. gentleman, no doubt, would be able to satisfy the House on these topics. It was with extreme difficulty that he could vote for granting such a sum as eight millions, without knowing any thing of the purposes for which it was intended, beyond the fact that it was for military expenses. He did not mean to cast any reflection upon the right hon. gentleman; indeed, he knew not how he was to cast reflection, when he was in total ignorance of the way in which the disbursements were to be made; neither could he praise the public officers, inasmuch as he knew not whether they had

done well or ill. He would be glad to know what the right hon. gentleman meant by the growing expenses of the military service, of which he had spoken? Did he allude to the military system, as it now existed, or to the war that had gone by? If he meant the military now on foot, the proposition was somewhat intelligible; but if he referred to expenses arising out of past events, there was no forming an idea of their magnitude. There was one other head upon which the right hon. gentleman had touched, which he could not but consider extraordinary: he alluded to the subsidy, in money, now paid to the king of Sicily. The right hon. gentleman had said, that we were bound to pay this money, because Sicily was not now at peace. This was certainly a novel doctrine. What, then, because the king of Sicily chose to be at war, perhaps with our nearest and dearest allies, we were bound to furnish him with the means of carrying on his schemes! For aught he knew, it was not improbable that, under such circumstances, the king of Sicily would find it advantageous to be always at war; his treasury might be enriched; and taking the prodigality of England into consideration, he might be considered, upon the whole, as having made a good bargain. At present, he was at war with Naples: whether this war was such as was entitled to the protection of the House, however, was a subject upon which they had yet to be informed. There was another part of the Chancellor of the Exchequer's speech which called for explanation. The right hon. gentleman had stated, that of the 75,000 men to be kept on foot by this country, 15,000 were to be paid for by some other state. By whom this expense was to be borne, the House was in perfect ignorance. It was clear, however, that it was not by Hanover; but be it by whom it might, it was to be hoped the expense would not eventually fall on Great Britain. While upon this topic, he could not help expressing a hope that Hanover would give us a little assistance, in return for the assistance which we had occasionally given her. To revert to the expense of these 15,000 men—Holland, perhaps, was to bear the burthen. He hoped such might be the case; for he did not think it good for this country, or for the other powers of Europe, to which we had been in the practice of affording aid, that we should give them too much assistance. It was proper that they should

be called upon to do something to assist themselves, and not be led to depend too much upon us. He had now only to hope, that the right hon. the Chancellor of the Exchequer would answer the questions which he had proposed, as in the future debates on this subject, the information he required would be of the utmost importance.

The *Chancellor of the Exchequer* observed, that with regard to the treaties which the right hon. gentleman had represented as being complete novelties in the House, it was chiefly his fault, and not that of ministers, if he had not had earlier information. As to the treaty of Chaumont, the right hon. member might have recollected, that at the close of last session, lord Castlereagh had explained its nature, and stated that its not being ratified was the cause of its not being then laid before the House. On the first day parliament had met this session, he (the Chancellor of the Exchequer) had been called upon by an hon. member near the right hon. gentleman, to give precisely the same explanation he had now produced. He, therefore, did not expect that any doubt would have remained respecting the causes which had prevented the official appearance of that document before the termination of the last session. With respect to the additional article of the treaty with Sweden, its contents had been discussed during the course of the last session; and he thought it had been long in the possession of the House. He was surprised, he acknowledged, at finding, a short time since, that it had not yet been laid on the table. However, as its provisions had been the subject of much public conversation, he was astonished the right hon. gentleman should assert his total ignorance on the subject. There now remained only one topic, on which further explanation was expected from him. It was the part of the subsidy which was still paid to the king of Sicily. It should be recollected, that our engagement with that country was antecedent to all our treaties with the continental sovereigns, and therefore of a different nature. Those which we had concluded with the powers of the north of Europe, had almost all been signed in 1812 and 1813. But the king of Sicily had, at a much earlier period, lost his Neapolitan dominions, and been driven from his continental capital, in consequence of his fidelity to us. It was on this ground that he was taken under

British protection, and his second kingdom was guarded by British troops. It was in 1809 that a treaty to that effect was entered into with him, the provisions of which were of course different from our subsequent arrangements with other powers. We then bound ourselves to continue the payment of the subsidy during the whole course of the war subsisting between him and France, as the latter had set up a rival king against him. Sicily was not yet freed from the consequences of such a war. She was no party to the present state of things. She had not acknowledged the legitimacy of the title of the king of Naples. The only power by which it had been as yet fully recognized, was Austria; and the king of Sicily felt himself justly entitled to receive the subsidy, until his claim to the kingdom of Naples had been settled either by indemnity or restoration: then all payment on our part would cease. Had we withdrawn our protection from him at the time we signed the treaty of Paris, how ungenerous would have been our conduct! We should have abandoned him without any security, who had incurred his losses and perils on our account; for what would have prevented the king of Naples from invading Sicily, had its shores no longer been lined with British warriors?

Mr. *Ponsonby* said, he was not in the House at the time when the substance of the supplementary treaty had been communicated in the last session; but the Chancellor of the Exchequer had no reason to be surprised at his want of information, when he himself, as he had confessed, had not known that a treaty of the utmost importance to the country had not been laid before the House.

Mr. *Whitbread* said, he was not astonished that his right hon. friend (Mr. *Ponsonby*) should have been ignorant of the contents of a treaty which had not been delivered to the House till within the last few days. In this committee, many topics had been introduced relevant to the original and important subject of discussion; but none of those topics was of more special interest than the statement made by his hon. friend respecting the state of the audits. He would not, however, revert to these subjects; but he thought the right hon. gentleman must acknowledge, that he had left the House in complete ignorance of the arrangement entered into with the king of Naples, *co nomine*, whilst we were paying a subsidy to the king of

Sicily, who was at war with him. The right hon. gentleman maintained, that it was Austria alone who had entered into a treaty, he should have said, not only of peace, but of alliance with the king of Naples. But he understood, that ministers had been parties to an engagement, by which they bound themselves, in case the king of Sicily should not accept the proffered indemnities for the kingdom of Naples, to leave him to his own resources and his fate. The circumstances in which we were placed, with respect to those two sovereigns, were remarkable; at peace with both of them, and yet paying the one to enable him to support the war which he waged with the other! If these things were concealed here, they were well known on the continent, where our conduct would be seen in its proper light. It should be remembered, that at the time the accession of the king of Naples was obtained, it was considered by every power engaged in the contest, as of the highest importance to the success of the war. Because the service had been performed, it should not be forgotten, nor the king of Naples treated with more indifference than when his alliance was wanted. The right hon. gentleman said, that the king of Sicily had forfeited his continental dominions in our cause, and that we were therefore bound to protect him and his remaining kingdom. But how had we acquitted ourselves of that duty? How had we 'protected' the royal Sicilian family? He had never been able to develop the mysteries in which the whole of the events which had taken place in Sicily were involved. He could not account for the manner in which the queen of Sicily—(it ought not to pass unnoticed, that ministers no longer added the title of king of Naples to that of king of Sicily)—had been deposed and exiled, a member of that very family which we had engaged to protect! If the right hon. gentleman was ignorant of these particulars, he regretted that his colleagues should not have communicated them to him. Before this vote was passed, however, which would sanction the continuance of the payment of a subsidy under the strange circumstances of the present, he thought the House should pause. Besides this, there was the maintenance of a British army in Belgium, which ought also to attract considerable attention. He would not now discuss the policy of the measure, but inquire into the probable expense



which it would entail upon the country. He had heard, that a survey had been taken of the barrier fortresses of Belgium, and an estimate made of the expense which would be required to place them in a state of defence. He had heard, that this estimate amounted to 14 millions, but certainly not less than ten. He wished to know whether such a survey had really been taken, such an estimate been made; whether there was any intention on the part of ministers to call upon the country to bear a share, or the whole of this expenditure? It was said, that the erection of Hanover into a kingdom, was a matter of total indifference to this country: it might be so, if other circumstances were not attached to that event. It was said to have taken place in consequence of a general call, on the part of the German princes, on the Prince Regent, that he should assume the royal dignity in his father's name. The right hon. gentleman had even treated the House with a tiny joke on the occasion, and he was so unused to this progeny of his brain, that he was busy with it, as a hen with one chicken. He had said that the title of elector had become ridiculous, because there was no one elected. In Germany there might have been a danger of electors without an elected: in this country, by a strange contrast, there were many *elected* without any *electors*. The call of the grand dukes and kings of Germany on the Prince Regent, reminded him of the fabled assembly of animals, in which a fox proposed that they should cease wearing tails; and the person of the mover being examined, it was found that his own had been cut off. Thus, because the German sovereigns had degraded themselves by accepting the kingly dignities and titles which Buonaparté had heaped upon them, they now wished to involve the Prince Regent in their own predicament, and reduce him to their own level. But if the erection of Hanover into a kingdom was a matter of indifference to this country, the same was not the case with regard to the aggrandizement of the Hanoverian territory. The more extensive that kingdom should become, the more likely it was to draw this country, at some future period, into a new continental war. He would be glad to know how the money, which was to be advanced for the support of the 15,000 Hanoverian troops employed, was to be repaid. That was a secret which the right hon. gentleman did not choose to tell.

But the right hon. gentleman might keep it to himself, provided he would assure the House that the sum in question would be paid by some continental power. But, if he shrunk from doing that, he should consider every farthing of the money which the House was now called upon to vote on that account, as entirely lost. With regard to an expression used by the right hon. gentleman, that future increased exertions should be made, he feared that ministers really began to feel their necessity: they now acknowledged, for the first time, that the contest with America (and the public were of the same opinion) was likely to plunge the country in frightful expense. We were unfortunately engaged in the war, and as it could not be terminated at once, it must be carried on. But he also thought that they had more than surmises on which to found their apprehensions that the war would grow exceedingly expensive. He thought that they knew facts which justified their fears, and that they had not dealt fairly with the public in withholding their appearance. He believed that they had been for forty hours, or more, in possession of intelligence of a disastrous nature from America, which they had shrunk from communicating to the country. He understood they had received sir George Prevost's account of the unfortunate failure at Plattsburgh, and believed that his subsequent retreat had been very disastrous in several points of view, although little loss might have been suffered in killed and wounded on the part of the enemy. Though on a former occasion he had taken the defence of that officer, and had urged, that no judgment should be formed upon his conduct until sufficient evidence should be produced, it was not his wish to screen him from any blame he might deserve. He therefore called upon the right hon. gentleman to state, why, being in possession of sir George Prevost's official dispatches, he had not laid them before the public? He understood that sir George Prevost had crossed the Canadian frontiers at the head of an army of 12,000 men; that in six days he had arrived at Plattsburgh; and that after his repulse, he had retreated in two days through that very extent of country, which, in his advance, he had not been able to march through in less than six; that although not overtaken or pursued by the enemy, he had lost in this rapid retreat 2,000 men by desertion; that these were not the militia of the

country, who might quit the service to return to their homes, but consisted of those brave and tried soldiers, distinguished on account of the honour they had gained under their great commander, by the appellation of 'Wellingtonians.' He understood, that in consequence of these events, the public mind in the Canadas was in an inflamed state; that these disasters, whether justly or not, were attributed to sir George Prevost; and that a general belief prevailed, that it was necessary he should be recalled. Before he agreed to vote the sum wanted to pay so large a proportion of the arrears in the army extraordinaries, he thought he had a right to receive information; and, if it were not voluntarily given, to demand it, on the events of the contest now pending, when, through a most astonishing change in the affairs of the world, the only nation lately neutral was now the only one at war against us. He thought it a right, on so serious an occasion as the present, the solemnity of which had only been impaired by the ill-placed joke which the right hon. gentleman had gone out of his way to impress into his speech, to inquire whether the circumstances which he had stated respecting the arrangement with the king of Naples, and the disasters in America, were correct.

The *Chancellor of the Exchequer* said, the right hon. gentleman seemed to be so well informed upon the proceedings of his Majesty's government, that he was himself the best person to solve the difficulties which he had suggested. Whether the circumstances with respect to the relations between this country and Naples were correctly stated or not, he felt it his duty to abstain from disclosing. As to the dispatches from sir George Prevost, as much would be published from them to-morrow as was consistent with the delicacy due to the situation of the commanding officers.

Mr. *Ponsonby*. Surely, if the accounts stated to have been received by my hon. friend are false, it is easy to say they are false. It cannot be improper to relieve the public anxiety, under such circumstances. To say whether two thousand men have deserted or not, can betray no secret. I will take the liberty of putting a question to the right hon. gentleman. I have been informed within the last few hours, that the army under general Drummond had been obliged to abandon the siege of Fort Erie with disgrace, and the

most disastrous loss: is this the case, or is it not?

The *Chancellor of the Exchequer* said, he had no knowledge of any desertion on the part of our men. Had such a fact been true, it would no doubt have been stated in sir George Prevost's dispatches, which did not mention it. As to the retreat of general Drummond from before Fort Erie, he believed that was a fact; but it had been attended neither with loss nor with disgrace on our side.

Mr. *Wellesley Pole* stated, that some of the accounts of the disaster on Lake Champlain had been received. They differed in some particulars from those which had already appeared: but as the whole had not arrived, it would be improper to publish a partial statement. All that should be given, therefore, in the Gazette to-morrow, would be a list of killed and wounded, as far as they were known.

The Resolution then was put, and agreed to. The House resumed, and the Report was ordered to be received to-morrow.

## HOUSE OF LORDS.

Monday, November 21.

PRESERVATION OF THE PEACE IN IRELAND.] The Earl of *Donoughmore* observed, that, from the reports which they were in the habit of receiving of the proceedings in parliament, through the medium of the public press, it appeared, that a Bill was then in its progress through the other House, for the amendment of one of the latest measures of the last session relating to Ireland, and which was denominated, 'An Act for the Preservation of the Peace.' Not wishing to give any unnecessary delay to the public business, but being particularly desirous at the same time, that, when the Bill to which he had alluded should reach that House in its usual course, it should find their lordships already furnished with all the necessary information for considering a subject of so much importance, it was his intention to submit a motion to them, with that view, on Thursday next; and for which day he should accordingly move, that the Lords be summoned. He had named Thursday, because he was not quite sure of being enabled to attend his duty in that House, on either of the two intervening days.

The Earl of *Liverpool* suggested the propriety of summoning their lordships upon the occasion; and at the same time wished the noble earl would give some

general idea of the nature of the motion he meant to bring forward.

The Earl of *Donoughmore* said, that certain statements had been made in another place, by one who might be supposed best conversant with the subject, in the correctness of which he could not agree. The sources from which the information given in those statements had been derived, were mentioned. His object, therefore, was to have the documents in question laid before their lordships; he himself intending to collect all the information he possibly could procure from other quarters, before the Bill should pass their lordships, that the subject might be treated with that intelligence respecting it, which its magnitude demanded. He moved, that the House be summoned for Thursday, which was ordered.

NAVAL ADMINISTRATION.] Viscount *Melville* moved to discharge the order of the day for the second reading of the Seamen and Royal Marines Pension Bill, with a view to its being brought forward that day se'ennight, when certain documents relative to the subject would be before the House.—The order was discharged accordingly.

The Earl of *Donoughmore* wished to inquire of the noble viscount, whether, in the information intended to be laid before the House relative to the conduct of the Naval Administration, it was meant to include certain petitions or representations made from Glasgow, the port of Liverpool, and certain other places, with respect to the nature of the protection afforded to the trade of the country, to the board of Admiralty.

Viscount *Melville* observed, that the information alluded to by the noble earl was not among that ordered to be produced by their lordships; it could not therefore regularly be brought forward. If the noble earl, however, chose to move for these documents, he had no objection to their being produced.

The Earl of *Donoughmore* then said, he should now take the liberty of moving that there be laid before the House copies of—

The Earl of *Liverpool* begged to remind the noble earl, the regular way was by a motion for an Address; upon which,

The Earl of *Donoughmore* then said, that he would defer the motion till Thursday.

NEGOCIATION BETWEEN GREAT BRITAIN AND AMERICA AT GHENT.] The Marquis

of *Lansdowne* seeing the noble earl in his place, was anxious to take that opportunity of putting a question to him on the subject of a publication by the American government, of certain documents relative to the negociation now going on at Ghent, and the pretensions urged by the British government. This was a matter of very great importance, whether regarded with a view to the effect which such a publication was calculated to produce in America, or with a view to its effects upon the opinions of the European sovereigns, and the state of affairs in Europe. His question was, whether, in consequence of the publication to which he alluded, it was the intention of the noble earl to make any communication to parliament?

The Earl of *Liverpool* said, it was true that a partial publication of the subject matter of the negotiations now going on at Ghent had been made by the American government, and he was aware of the effect which it was calculated to produce. He never knew of such a proceeding before on the part of any civilized government.\* At all events, it was the invariable

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\* The following are Copies of the Papers relative to the Negotiations at Ghent, published by the American government, and referred to in the above debate:

MESSAGE sent by the President to the Senate and House of Representatives of the United States, Oct. 10, 1814.

“ I lay before Congress communications just received from the plenipotentiaries of the United States, charged with negotiating peace with Great Britain, shewing the conditions on which alone that government is willing to put an end to the war. The instructions to those plenipotentiaries, disclosing the grounds on which they were authorized to negotiate and conclude a treaty of peace, will be the subject of another communication.

(Signed) “ JAMES MADISON.”

Mr. Monroe to the American plenipotentiaries at Gottenburgh.

“ Dispatch of State, 28th Jan. 1814.

[The letter begins by acceding to the proposal of the British government, to treat directly with the American United States. Mr. Monroe then calls the attention of the plenipotentiaries to the grounds of the war with Great Britain.]

“ On impressment, as to the right of

practice of the government here not to lay any papers before parliament on the subject of a negotiation which was still pending ; and, therefore, it certainly was not the inten-

tion of ministers to lay any part of that negotiation before parliament. The proper time would be, when the whole should be concluded, and then ministers would be

the United States to be exempted from it, I have nothing new to add. The sentiments of the president have undergone no change on that important subject. This degrading practice must cease ; our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably, the president is willing, as you are already informed by the former instructions, to remove all pretexts for it to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized ; and to stipulate likewise the surrender of all British seamen deserting in our ports, in future, from British vessels, public or private. It was presumed, by all dispassionate persons, that the late law of Congress relative to seamen, would effectually accomplish the object. But the president is willing, as you find, to prevent a possibility of failure, to go further.

“ Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

“ Blockade is the subject next in point of importance, which you will have to arrange. In the instructions, bearing date on the 15th of April, 1813, it was remarked, that as the British government had revoked its orders in council, and agreed, that no blockade could be legal, which was not supported by an adequate force ; and that such adequate force should be applied to any blockade which it might hereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume, that if the repeal of the orders in council had taken place in time to have been known here before the declaration of war, and had had the effect of preventing the declaration, not only that no provision would have been obtained against im-

pressment, but that, under the name of blockade, the same extent of coast would have been covered by proclamation, as had been covered by the orders in council. The war which these abuses and impressments contributed so much to produce, might possibly prevent that consequence : but it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British government violate again the legitimate principles of blockade, in whatever terms, or under whatever pretext it might be done, the United States would have in their hands a correspondent resort : but a principal object in making peace, is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two governments have agreed in their correspondence, in all its essential features. The instructions of the 15th April 1813, have stated in what manner the president is willing to arrange this difference.

“ On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation ; that the arrangement proposed in each instance is just in itself ; that it corresponds with the general spirit of treaties between commercial powers ; and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

“ On the claim to indemnity for spoliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other property, contrary to the laws and uses of war. It is equally proper, that the negroes taken from the southern states, should be returned to their owners, or paid for at their full value. It is known, that a shameful traffic has been carried on in the West Indies by the sale of these persons there,



ready to justify their conduct in the face of their country, of Europe, and the whole world. In the mean time, the negotiation had not concluded at the stage to which it

by those who professed to be their deliverers. Of this fact, the proof that has reached this department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored; if as property, they ought to be paid for. The treaty of peace contains an article which recognizes this principle.

[After some further arguments relative to the Russian mediation, which the president laments was not accepted, the letter concludes.] "JAMES MONROE."

Copy of a LETTER from Messrs. Adams, Bayard, Clay, and Russel, to Mr. Monroe, Secretary of State, dated Ghent, August 12, 1814.

"Sir; we have the honour to inform you, that the British commissioners, Lord Gambier, Henry Goulburn, esq. and Wm. Adams, esq. arrived in this city on Saturday evening the 6th inst. The day after their arrival, Mr. Baker, their secretary, called upon us to give us notice of the fact, and to propose a meeting at a certain hour on the ensuing day. The place having been agreed upon, we accordingly met at one o'clock on Monday the 8th inst. We enclose herewith a copy of the full powers exhibited by the British commissioners at that conference; which was opened on their part by an expression of the sincere and earnest desire of their government, that the negotiation might result in a solid peace, honourable to both parties. They, at the same time, declared, that no events which had occurred since the first proposal for this negotiation, had altered the pacific dispositions of their government, or varied its views as to the terms upon which it was willing to conclude the peace.

"We answered, that we heard these declarations with great satisfaction, and that our government had acceded to the proposal of negotiation, with the most sincere desire to put an end to the differences which divided the two countries, and to lay, upon just and liberal grounds, the foundation of a peace, which, securing the rights and interests of both nations, should unite them by lasting bonds of amity.

"The British commissioners then stated the following subjects, as those upon

had been brought by the documents published by the American government: it had proceeded since without interruption, and was still pending; and, under these

which it appeared to them that the discussions would be likely to turn, and on which they were instructed:

"1. The forcible seizure of mariners on board of merchant vessels, and in connection with it, the claim of his Britannic Majesty to the allegiance of all the native subjects of Great Britain.

"We understood them to intimate, that the British government did not propose this point as one which they were particularly desirous of discussing; but that as it had occupied so prominent a place in the disputes between the two countries, it necessarily attracted notice, and was considered as a subject which would come under discussion.

"2. The Indian allies of Great Britain to be included in the pacification, and a definite boundary to be settled for their territory.

"The British commissioners stated, that an arrangement upon this point was a *sine qua non*; that they were not authorized to conclude a treaty of peace which did not embrace the Indians as allies of his Britannic Majesty; and that the establishment of a definitive boundary of the Indian territory was necessary to secure a permanent peace, not only with the Indians, but also between the United States and Great Britain.

"3. A revision of the boundary line between the United States and the adjacent British colonies.

"With respect to this point, they expressly disclaimed an intention on the part of their government to acquire an increase of territory, and represented the proposed revision as intended merely for the purpose of preventing uncertainty and dispute.

"After having stated these three points as subjects of discussion, the British commissioners added, that before they desired any answer from us, they felt it incumbent upon them to declare, that the British government did not deny the right of the Americans to the fisheries generally, or in the open seas; but that the privileges formerly granted by treaty to the United States, of fishing within the limits of the British jurisdiction, and of landing and drying fish on the shores of the British territories, would not be renewed without

circumstances, nothing could be more mischievous, than coming forward with a partial and garbled view of the proceedings. He trusted the noble marquis him-

an equivalent. The extent of what was considered by them as waters peculiarly British, was not stated. From the manner in which they brought this subject into view, they seemed to wish us to understand that they were not anxious that it should be discussed, and that they only intended to give us notice that these privileges had ceased to exist, and would not be again granted without an equivalent, nor unless we thought proper to provide expressly in the treaty of peace for their renewal.

"The British commissioners having stated, that these were all the subjects which they intended to bring forward or to suggest, requested to be informed, whether we were instructed to enter into negotiation on these several points? whether there was any amongst these which we thought it necessary to bring into the negotiation? and they desired us to state, on our part, such other subjects as we might intend to propose for discussion in the course of the negotiation. The meeting was then adjourned to the next day, in order to afford us the opportunity of consultation among ourselves, before we gave an answer.

"In the course of the evening of the same day, we received your letters of the 25th and 27th of June.

"There could be no hesitation, on our part, in informing the British commissioners, that we were not instructed on the subjects of Indian pacification or boundary, and of fisheries: nor did it seem probable, although neither of these points had been stated with sufficient precision in that first verbal conference, that they could be admitted in any shape. We did not wish, however, to prejudge the result, or by any hasty proceeding abruptly to break off the negotiation. It was not impossible that, on the subject of the Indians, the British government had received erroneous impressions from the traders in Canada, which our representations might remove: and it appeared, at all events, important to ascertain distinctly the precise intentions of Great Britain on both points. We therefore thought it advisable to invite the British commissioners to a general conversation on all the points; stating to them at the same time our want

self would be satisfied, that, under the circumstances which he had stated, it would be quite irregular to produce any portion of the documents relative to the

of instructions on two of them, and holding out no expectation of the probability of our agreeing to any article respecting them.

"At our meeting on the ensuing day (9th August), we informed the British commissioners, that, upon the first and third points proposed by them, we were provided with instructions; and we presented as further subjects considered by our government as suitable for discussion:

"1st. A definition of blockade: and, as far as might be mutually agreed, of other neutral and belligerent rights.

"2d. Claims of indemnity, in certain cases of capture and seizure.

"We then stated, that the two subjects, 1st. of Indian pacification and boundary, and 2d. of fisheries, were not embraced by our instructions.

"We observe, that as these points had not been heretofore the grounds of any controversy between the government of Great Britain and that of the United States, and had not been alluded to by lord Castlereagh in his letter proposing the negotiation, it could not be expected that they should have been anticipated and made the subject of instructions by our government: that it was natural to be supposed that our instructions were confined to those subjects upon which differences between the two countries were known to exist; and that the proposition to define, in a treaty between the United States and Great Britain, the boundary of the Indian possessions within our territories, was new and without example. No such provisions had been inserted in the treaty of peace in 1783, nor any other treaty made by Great Britain, or in any other European power, in relation to the same description of people, existing under like circumstances.

"We would say, however, that it would not be doubted, that peace with the Indians would certainly follow a peace with Great Britain; that we had information that commissioners had already been appointed to treat with them; that a treaty to that effect might, perhaps, have been already concluded; and that the United States having no interest, nor any motive, to continue a separate war against the Indians, there could never be a moment

negociation. The only proper course was, to make no communication till the matter should be brought to a conclusion one way or other : when that took place, the

when our government would not be disposed to make peace with them.

" We then expressed our wish to receive from the British commissioners a statement of the views and objects of Great Britain upon all the points, and our willingness to discuss them all, in order that, even if no arrangement should be agreed on, upon the points not included in our instructions, the government of the United States might be possessed of the entire and precise intentions of that of Great Britain respecting these points, and that the British government might be fully informed of the objections on the part of the United States to any such arrangement. In answer to our remark, that these points had not been alluded to by lord Castlereagh, in his letter proposing the negociation, it was said, that it could not be expected that, in a letter merely intended to invite a negociation, he should enumerate the topics of discussion, or state the pretensions of his government, since these would depend upon ulterior events, and might arise out of a subsequent state of things.

" In reply to our observation, that the proposed stipulation of an Indian boundary was without example in the practice of European nations, it was asserted, that the Indians must in some sort be considered as an independent people, since treaties were made with them, both by Great Britain and by the United States : upon which we pointed out the obvious and important difference between the treaties we might make with Indians living in our territory, and such a treaty as was proposed to be made, respecting them, with a foreign power, who had solemnly acknowledged the territory on which they resided to be part of the United States.

" We were then asked by the British commissioners whether, in case they should enter further upon the discussion of the several points which had been stated, we could expect that it would terminate by some provisional arrangement on the points on which we had no instructions, particularly on that respecting the Indians, which arrangement would be subject to the ratification of our government ?

" We answered, that before the subjects

whole would be laid before parliament in the usual manner.

The Marquis of *Lansdowne* said, he had to return his thanks to the noble earl for

were distinctly understood, and the objects in view more precisely disclosed, we could not decide whether it would be possible to form any satisfactory article on the subject, nor pledge ourselves as to the exercise of a discretion under our power, even with respect to a provisional agreement. We added, that as we should deeply deplore a rupture of the negotiations on any point, it was our anxious desire to employ all possible means to avert an event so serious in consequences ; and that we had not been without hopes that a discussion might correct the effect of any erroneous information which the British government might have received on the subject, which they had proposed as a preliminary basis.

" We took this opportunity to remark, that no nation observed a policy more liberal and humane towards the Indian, than that pursued by the United States ; that our object had been, by all practicable means, to introduce civilization amongst them ; that their possessions were secured to them by well-defined boundaries ; that their persons, lands, and other property, were now more effectually protected against violence or frauds from any quarter, than they had been under any former government ; that even our citizens were not allowed to purchase their lands ; that when they gave up their title to any portion of their country to the United States, it was by voluntary treaty with our government, who gave them a satisfactory equivalent ; and that, through these means, the United States had succeeded in preserving, since the treaty of Grenville of 1788, an uninterrupted peace of 16 years with all the Indian tribes—a period of tranquillity much longer than they were known to have enjoyed hitherto.

" It was then expressly stated on our part, that the proposition respecting the Indians was not distinctly understood. We asked whether the pacification, and the settlement of a boundary for them, were both made a *sine qua non* ? Which was answered in the affirmative. The question was then asked the British commissioners, whether the proposed Indian boundary was intended to preclude the United States from the right of purchasing

the answer he had given; but he was compelled at the same time to say, that it was very far from being satisfactory. The object of the publication by the American

by treaty from the Indians, without the consent of Great Britain, lands lying beyond that boundary; and as a restriction upon the Indians from selling, by amicable treaties, lands to the United States, as had been hitherto practised?

"To this question, it was first answered by one of the commissioners, that the Indians would not be restricted from selling their lands, but that the United States would be restricted from purchasing them: and on reflection, another of the commissioners stated, that it was intended that the Indian territories should be a barrier between the British dominions and those of the United States; that both Great Britain and the United States should be restricted from purchasing their lands; but that the Indians might sell them to a third party.

"The proposition respecting Indian boundary, thus explained, and connected with the right of sovereignty ascribed to the Indians over the country, amounted to nothing less than a demand of the absolute cession of the rights both of sovereignty and of soil. We cannot abstain from remarking to you, that the subject (of Indian boundary) was indistinctly stated when first proposed, and that the explanations were at first obscure, and always given with reluctance; and it was declared from the first moment to be a *sine qua non*, rendering any discussion unprofitable, until it was admitted as a basis. Knowing that we had no power to cede to the Indians any part of our territory, we thought it unnecessary to ask, what probably would not have been answered till the principle was admitted, where the line of demarkation of the Indian country was proposed to be established?

"The British commissioners, after having repeated that their instructions on the subject of the Indians were peremptory, stated, that unless we could give some assurance that our powers would allow us to make at least a provisional arrangement on the subject, any further discussion would be fruitless, and that they must consult their own government on this state of things. They proposed accordingly a suspension of the conferences until they should have received an answer, it being understood that each party

government was evidently to secure the cordial co-operation of the people, by exposing the pretensions of the British government; and he should have thought

might call a meeting, whenever they had any proposition to submit. They dispatched a special messenger the same evening, and we are now waiting for the result.

"Before the proposed adjournment took place, it was agreed that there should be a protocol of the conferences; that a statement should for that purpose be drawn up by each party, and that we should meet the next day to compare the statements.

"We accordingly met again on Wednesday the 10th instant, and ultimately agreed upon what should constitute the protocol of the conferences.

(Signed) "J. Q. ADAMS, H. CLAY,  
"J. A. BAYARD, J. RUSSELL."

DRAUGHT of the original Protocol made by the American Ministers, of the two first Conferences held with the British Commissioners.

"At a meeting between the commissioners of his Britannic Majesty and those of the United States of America, for negotiating and concluding a peace, held at Ghent, 8th of August, 1814, the following points were presented by the commissioners on the part of Great Britain, as subjects of discussion:—

"1. The forcible seizure of mariners on board of merchant vessels, and the claim of allegiance of his Britannic Majesty upon all the native born subjects of Great Britain.

"2. The Indian allies of Great Britain to be included in the pacification, and a boundary to be settled between the dominions of the Indians and those of the United States. Both parts of this point are considered by the British government as a *sine qua non* to the conclusion of a treaty.

"3. The revision of the boundary line between the territories of the United States and those of Great Britain adjoining them in North America.

"4. The fisheries—respecting which the British government will not allow the people of the United States the privilege of landing and drying fish within the territorial jurisdiction of Great Britain, without an equivalent."

"The meeting was adjourned to Tuesday,



that, considering the effect which such a publication was calculated to produce not only in America but in Europe, the go-

the 9th of August, on which day the commissioners met again.

"The American commissioners presented as further points (subjects) considered by the government of the United States as suitable for discussion:—

"1. A definition of blockade, and, as far as may be agreed, of other neutral and belligerent rights.

"2. Certain claims of indemnity to individuals, for captures and seizures preceding and subsequent to the war."

"In a letter from Messrs. Adam, Bayard, Clay, Russell, and Gallatin, dated from Ghent, on the 19th of August, 1814, the British commissioners, in a conference on that day, explain the views of the British government as follows:—

"1. Experience had proved that the joint possession of the lakes, and a right common to both nations to keep up a naval force on them, necessarily produced collisions, and rendered peace insecure. As Great Britain could not be supposed to attempt to make conquests in that quarter, and as the province was essentially weaker than the United States, and exposed to invasion, it was necessary, for its security, that Great Britain should require that the United States should hereafter keep no armed naval force on the western lakes, from Lake Ontario to Lake Superior, both inclusive; that they should not erect any fortified or military post or establishment on the shores of those lakes; and that they should not maintain those which were already existing. This must, they said, be considered as a moderate demand, since Great Britain, if she had not disclaimed the intention of any increase of territory, might with propriety have asked a cession of the adjacent American shores. The commercial navigation and intercourse would be left in the same footing as heretofore. It was expressly stated (in answer to a question we asked), that Great Britain was to retain the right of having an armed naval force on those lakes, and of holding military posts and establishments on their shores.

"2. The boundary line of Lake Superior, and thence to the Mississippi, to be revised; and the treaty-right of Great Britain to the navigation of the Mississippi

vernment here would have lost no time in proving to America, to Europe, and to their own country, that they had not put

to be continued. When asked, whether they did not mean the line from the Lake of the Woods to the Mississippi, the British commissioners repeated, that they meant the line from Lake Superior to that river.

"3. A direct communication from Halifax and the province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question, in what manner this was to be effected, we were told, that it must be done by a cession to Great Britain of that portion of the district of Maine (in the state of Massachusetts) which intervenes between New Brunswick and Quebec, and prevents that direct communication.

"We asked whether the statement made respecting the proposed revision of the boundary line between the United States and the dominions of Great Britain, embraced all the objects she meant to bring forward for discussion; and what were particularly her views with respect to Moose Island, and such other islands in the Bay of Passamaquaddy, as had been in our possession till the present war, but had been lately captured? We were answered, that those islands belonging of right to Great Britain (as much so, as one of the commissioners said, as Northamptonshire), they would certainly be kept by her, and were not even supposed to be an object of discussion.

"We need hardly to say, that the demands of Great Britain will receive from us an unanimous and decided negative. We do not deem it necessary to detain the John Adams for the purpose of transmitting to you the official notes which may pass on the subject, and close the negotiation. And we have felt it our duty immediately to apprise you, by this hasty, but correct sketch of our last conference, there is not, at present, any hope of peace.

"J. Q. ADAMS, J. RUSSELL.

"J. A. BAYARD, A. GALLATIN."

"H. CLAY,"

NOTE of the British Commissioners.—  
[Received after the above letter was written.]

"The undersigned plenipotentiaries of his Britannic Majesty do themselves the

forward such pretensions as those which had been attributed to them. When the dispute was relative to a great principle; when our object was to secure the alle-

giance of our own subjects, and support our maritime rights, the noble earl knew that his (the marquis of Lansdowne's) opinion as to the justice of the war, was not

honour of acquainting the plenipotentiaries of the United States, that they have communicated to their court the result of the conference which they had the honour of holding with them upon the 9th instant, in which they stated that they were unprovided with any specific instructions as to comprehending the Indian nations in a treaty of peace to be made with Great Britain, and as to defining a boundary to the Indian territory. The undersigned are instructed to acquaint the plenipotentiaries of the United States, that his Majesty's government having, at the outset of the negotiation, with a view to the speedy restoration of peace, reduced as far as possible the number of points to be discussed, and having professed themselves willing to forego, on some important topics, any stipulation to the advantage of Great Britain, cannot but feel some surprise that the government of the United States should not have furnished their plenipotentiaries with instructions upon those points which could hardly fail to come under discussion.

"Under the inability of the American plenipotentiaries to conclude any article upon the subject of Indian pacification and Indian boundary which shall bind the government of the United States, his Majesty's government conceive that they cannot give a better proof of their sincere desire for the restoration of peace, than by professing their willingness to accept a provisional article upon those heads, in the event of the American plenipotentiaries considering themselves authorized to accede to the general principles upon which such an article ought to be founded. With a view to enable the American plenipotentiaries to decide how far the conclusion of such an article is within the limit of their discretion, the undersigned are directed to state fully and distinctly the bases upon which alone Great Britain sees any prospect of advantage in the continuance of the negotiations at the present time.

"The undersigned have already had the honour of stating to the American plenipotentiaries, that in considering the points above referred to as a *sine qua non* of any treaty of peace, the view of the British government is the permanent tranquillity

and security of the Indian nations, and the prevention of those jealousies and irritations, to which the frequent alteration of the Indian limits has heretofore given rise.

"For this purpose, it is indispensably necessary that the Indian nations, who have been during the war in alliance with Great Britain, should, at the termination of the war, be included in the pacification. It is equally necessary, that a definitive boundary should be assigned to the Indians, and that the contracting parties should guarantee the integrity of their territory, by a mutual stipulation, not to acquire by purchase, or otherwise, any territory within the specified limits. The British government are willing to take, as the basis of an article on this subject, those stipulations of the Treaty of Grenville, subject to modifications, which relate to a boundary line.

"As the undersigned are desirous of stating every point in connection with the subject, which may reasonably influence the decision of the American plenipotentiaries in the exercise of their discretion, they avail themselves of this opportunity to repeat what they have already stated, that Great Britain desires the revision of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory, as such, but for the purpose of securing her possessions and preventing future disputes.

"The British government consider the lakes, from lake Ontario to lake Superior both inclusive, to be the natural military frontier of the British possessions in North America. As the weaker power on the North American continent, the least capable of acting offensively, and the most exposed to sudden invasion, Great Britain considers the military occupation of these lakes necessary to the security of her dominions. A boundary line equally dividing these waters, with a right to each nation to arm, both upon the lakes and upon their shores, is calculated to create a contest for naval ascendancy, in peace as well as in war. The power which occupies these lakes should, as a necessary result, have the military occupation of both shores.

"In furtherance of this object, the

materially different from his own. But, if the object of the war on our part came to be—not the securing the allegiance and services of our own subjects—not the defence of our maritime rights—not any great principle which this country could not with safety give up; but an accession of territory, a new boundary line, the entire possession of the navigation of the lakes, and especially the preventing the Americans from acquiring any accession of territory from the Indians within the Mississippi, the line marked by a former treaty;—if the object of the war was thus changed, he desired to be considered as no supporter of these new principles upon which the contest was conducted. It was true, if the noble earl said that these were but partial documents, that they disclosed only part of the case, he could not argue upon these documents. But still, if this publication by America gave an erroneous view of the subject, it was of very great importance that the matter should be set on its right footing; and on this ground it was, that he was desirous that the noble earl, either by communication to parliament, which was the most regular mode, or in some other way, should give America and Europe to understand, that the pretensions of the British government had been erroneously stated on the part of the American government.

The Earl of *Liverpool* declared, that he

British government is prepared to propose a boundary; but as this might be construed as an intention to extend their possessions to the southward of the lakes, which is by no means the object they have in view, they are disposed to leave the territorial limits undisturbed, and as incident to them, the free commercial navigation of the lakes; provided that the American government will stipulate not to maintain, or construct any fortifications upon, or within a limited distance of the shores; or maintain, or construct any armed vessels upon the lakes in question, or in the rivers which empty themselves into the same.

If this can be adjusted, there will then remain for discussion the arrangement of the north-western boundary between lake Superior and the Mississippi, the free navigation of that river, and such a vacation of the line of frontier as may secure a direct communication between Quebec and Halifax.

"The undersigned trust that the full

was as sensible as the noble marquis could possibly be, that at the proper time all the circumstances mentioned by the noble marquis ought to be fully explained. The question was, was that the time? All that he could then say was to repeat his former assertion, that the British government did not see any thing in the unjustifiable step which had been taken by America to induce them to depart from the usage which had prevailed at all times with nations, not to publish or explain the circumstances of any negotiation while that negotiation was in progress and not brought to any issue. Under this impression, it was impossible for him to reply at present to the points alluded to by the noble marquis; but at the proper time he pledged himself fully to explain his conduct and that of his Majesty's government, to parliament, to Europe, and to the world. There was one thing which he wished particularly to impress on their lordships' minds, namely, that, whatever might appear on the face of the papers which had been alluded to, the negotiation had not closed, it had never intermitted, and was still proceeding; notwithstanding the pernicious effects which might arise from the disclosures that had been so unwarrantably made.

The Earl of *Donoughmore* was ready to admit, that if the statement in the American papers had proceeded from any un-

statement which they have made of the views and objects of the British government, in requiring the pacification of the Indian nations and a permanent limit to their territories, will enable the American plenipotentiaries to conclude a provisional article upon the basis above stated. Should they feel it necessary to refer to the government of the United States for further instructions, the undersigned feel it incumbent upon them to acquaint the American plenipotentiaries, that the government cannot be precluded by any thing that has passed, from varying the terms now proposed, in such a manner as the state of war, at the time of resuming the conferences, may, in their judgment, render advisable.—The undersigned avail themselves of this occasion to renew to the plenipotentiaries of the United States, the assurance of their high consideration.

"HENRY GOULBURN.

"GAMBIER.

"WILLIAM ADAMS.

"*Ghent, 18th August, 1814.*"

authorized individual, the argument of the noble earl would be sufficiently satisfactory. But that was not the case. Here were two governments in treaty with each other; one of which having published an official statement said to be partial, the other was called upon to furnish one that was correct. What he wished the noble earl to do, was to follow the example of the American government; and as that government had sent forth an account calculated to influence America and Europe in their favour, the noble lord appeared to him bound, in duty to the British government, to publish such a statement, if it was in his power to do so, as would do away the mischievous effects of that of the enemy. Never had a question been brought before their lordships calculated to excite greater astonishment, both on this and on the other side of the Atlantic. The public had conceived, that we were carrying on the war for that vital principle of our existence—the right of claiming the service of our own citizens. All was, however, changed. None of the leading points, formerly considered so important, were strongly touched; they were only just mentioned; while those insisted upon were entirely new—our own aggrandizement, an alteration of the boundary, the abandonment of the lakes by the American navy, or, in other words, the destruction of the American naval frontier—all these were new grounds for negotiation, of which the public had not hitherto been informed. Under these circumstances, was it not the bounden duty of his Majesty's ministers to acknowledge that there had been a change of demands; and to state, if that was the fact, that the change had become necessary, from what had passed in other parts of the world? But this the noble earl refused to do. Allowing that the publication by the American government was calculated to be pernicious, the noble earl determined to wait until the mischief was done, before he gave the explanation by which alone it could be prevented. Their lordships were to be kept in ignorance of the proceedings of government, until the period when the only power left to them would be that of expressing their disapprobation.

The Marquis of *Lansdowne* said, he did not rise for the purpose of prolonging the conversation, but in order to give the noble earl an opportunity of disclaiming, as he was sure he would be able to do, a

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charge made by America. The noble earl could not be ignorant that it had been most distinctly charged against the British in America, that in the southern states our naval and military commanders had induced the slaves to desert from the American service, and had afterwards conveyed them to the West Indies, and sold them there. These allegations were, it was said, accompanied by documentary proof, although that proof had not been published. A charge of greater infamy was never made against a civilized government, and particularly a government which professed (and he trusted candidly) an utter detestation of that traffic. For himself, he did not attach the slightest credit to the accusation; but in his opinion, when such a declaration was made officially by any government, it merited an explicit refutation.

The Earl of *Liverpool* felt highly obliged to the noble marquis for giving him the opportunity of declaring that he had never even heard of such an occurrence, until he saw it imputed to us in the American papers. Not only had the British government no knowledge of any such proceeding, but he was firmly convinced that the statement of its having taken place was entirely void of foundation. An immediate inquiry should, however, be made into the circumstances which could possibly have given rise to such an allegation; and if it should appear (which he was persuaded it would not) that there was the slightest ground whatever for an accusation of so criminal a nature, measures would immediately be adopted to bring the offenders to justice.

After a few words in explanation between their lordships, on some of the foregoing points, a conversation took place, principally between the earls of *Liverpool* and *Donoughmore*, relative to the adjournment of the House on those days for which no important business stood.

The Earl of *Liverpool* reminded their lordships, that on cause days, viz. Mondays, Wednesdays, and Fridays, the House met; and his noble and learned friend on the woolsack sat, in reference to the judicial business, from ten till four o'clock. After which period, when no important business stood, it was often found difficult to keep a House till five o'clock; therefore, in such cases, to remain till that hour, would be an unnecessary prolongation of the noble and learned lord's trouble; and he believed, that, in general, it

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would not be unsatisfactory to their lordships, if it were understood that on those days an adjournment should take place at four o'clock.

The Earl of *Donoughmore* deprecated the idea, that even on such days there should be no House in that interval. He should think it was the duty of their lordships, particularly of the members of his Majesty's government, to attend regularly, and to preclude any complaints of a House not being kept.

The *Lord Chancellor* said a few words on the occasion, observing, that the remark of the difficulty of keeping a House together (which it did not depend upon him to do), did not apply to cause days alone, but to other days in the week, and seemed to deprecate the want of a better attendance.

## HOUSE OF COMMONS.

*Monday, November 21.*

MILITIA.] *Sir Samuel Romilly* gave notice, that on Monday next he would call the attention of the House to the continuance of the embodying of the militia after the termination of the war. Preparatory to this consideration, he would beg leave to move for returns of such militia regiments of the united kingdom as had been disembodied since last May; the times when, and the places where, they had been disembodied; and the numbers of those who remained embodied since that time: also of such regular regiments as were disbanded since May; the times when, where, &c.; with the amount of their present establishment.—The returns were ordered accordingly.

IRISH SUPERINTENDING MAGISTRATES BILL.] *Mr. Peel* moved the second reading of the Bill to amend an Act passed in the last session of parliament, intituled, "An Act to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in counties, in certain cases."

*Mr. J. P. Grant* said, he could not refrain from adverting to this subject, although a better opportunity would perhaps be afforded him for entering into its merits, in the event of his bringing forward the measure of which he gave notice at the close of last session, for an inquiry into the state of Ireland. It had been said, as he understood, by the right hon.

gentleman when he introduced this Bill a few days ago, that he congratulated the House upon the efficacy and success which had attended the operation of the Bill passed last session, for the internal tranquillity of Ireland; and that the government of Ireland had not found it necessary to call into action one of them (the Insurrection Act) at all; and the other (the Preservation of the Peace Bill) was only acted upon in one district, that of Middlethird. Now, for his own part, he was not convinced, by the course of reasoning which had been adopted by the right hon. gentleman opposite, nor could he bring himself to think, that the necessity for a measure was proved by its never having been put in force, or its utility established, by its never being called for. The hon. and learned gentleman proceeded to avow himself to be one of those who still remained unconvinced of the necessity of those coercive measures towards Ireland; indeed, he confessed that he was more strongly impressed than before with the ill effect of the bills which were enacted last session; and under this impression he would, at no distant period, propose an inquiry into the state of Ireland, provided no more competent and better informed person expressed himself prepared to undertake that task.

*Mr. Peel* did not think it fair for the hon. and learned gentleman to confound the two Bills under one head. He (*Mr. Peel*) had certainly stated on a former night, that the most beneficial consequences had flowed to the country from the enactment of the two Bills; but he could not concur with the hon. and learned gentleman, that the non-enforcement of one of them formed any reason to suppose that its enactment had been unnecessary. It was in the recollection of the House, that when he had moved for the introduction of those Acts, he had distinctly expressed his fervent hope that the Irish government would not be compelled, by the necessity of the case, to resort to their enforcement. He felt pleasure in stating, those hopes had been realized; and the Peace Preservation Bill had only been acted upon in the Barony of Middlethird, and then after a call for that purpose of the magistrates and gentry of that county, in a meeting of which lord Llandaff was chairman. He had not stated, however, that complete tranquillity prevailed in Ireland, and from thence argued the justification of the Bills; and whenever the hon. and learned gen-



**An Account of the Net Receipt of the PERMANENT, ANNUAL, and WAR TAXES; for the  
Years ended the 10th October 1813 and 1814.**

	Year ended 10th Oct. 1813.			Year ended 10th Oct. 1814.		
	£.	s.	d.	£.	s.	d.
Customs Consolidated .....	3,298,312	0	9½	2,966,571	15	7
.....Ditto..... Isle of Man .....	7,117	19	1½	4,909	9	7
.....Ditto..... Quarantine Duty .....	11,882	9	7½	11,420	15	8½
.....Ditto..... Canal and Dock Ditto .....	26,145	18	2	13,639	0	3
.....Ditto..... Permanent Ditto..... 1813 .....	236,665	7	4	607,077	6	6½
Excise Consolidated .....	15,175,430	4	7½	15,475,332	17	1½
.....Ditto... British Spirits .....	265,939	19	5½	345,000	0	0
.....Ditto..... Ditto .....	18,701	10	1	659,680	0	0
.....Ditto..... Foreign Ditto .....	28,127	0	0	47,698	0	0
Stamps Consolidated.....	5,265,065	11	3	5,540,667	12	10
Lottery Licences .....	3,166	19	0	3,774	3	7
Land Taxes.....	1,095,525	8	7½	1,051,127	7	9½
Letter Money .....	1,394,000	0	0	1,453,000	0	0
Hawkers and Pedlars.....	17,490	0	0	15,380	0	0
Seizures .....	22,612	16	10½	7,838	4	2½
Proffers .....	612	12	11	601	14	3
Compositions .....	2	0	0	0	16	8
Fines and Forfeitures .....	1,014	15	4	392	19	0
Rent of a Light House .....	6	13	4	—	—	—
Ditto..... Alum Mines .....	864	0	0	864	0	0
Alienation Duty .....	7,529	17	5	5,669	15	4
Hackney Coaches and Chairs .....	9,468	0	0	9,770	0	0
..... Ditto .....	12,940	0	0	13,000	0	0
Houses .....	439	0	9	—	—	—
£.10. per Cent .....	—	—	—	1	2	0
Hair Powder Certificates .....	100	0	0	—	—	—
Horse Dealers Licences .....	100	0	0	—	—	—
Windows .....	83	13	6	—	—	—
Four Wheeled Carriages .....	18	0	0	—	—	—
Horses for Riding .....	42	2	0	—	—	—
Armorial Bearings .....	200	0	0	—	—	—
Arrears of Assessed Taxes .....	588	2	4	30	5	10½
Male Servants .....	9	10	0	—	—	—
Dogs .....	11	0	0	—	—	—
Windows .....	—	—	—	40	0	0
Houses .....	234	3	8	—	—	—
Horses for Riding .....	100	0	0	—	—	—
Male Servants .....	100	0	0	—	—	—
Dogs .....	400	0	0	—	—	—
Two Wheeled Carriages .....	200	0	0	—	—	—
Windows .....	7,156	17	7½	1,923	6	11½
Houses .....	3,989	7	10½	1,190	12	9½
Horses and Mules .....	108	19	11½	1,384	3	4½
Horses .....	901	12	1	1,152	16	10½
Horse Dealers Licences .....	21	18	5	375	15	8
Servants .....	1,160	12	5½	1,337	11	0
Hair Powder .....	846	7	1½	666	6	1½
Armorial Bearings .....	402	13	0½	645	19	8
Carriages .....	4,330	9	10½	2,207	4	5½
Dogs .....	75	18	11	935	12	0
£. 10. per Cent.....	717	7	7	1,355	7	1½
Consolidated Assessed Taxes .....	6,074,607	4	0½	6,410,067	8	6½
6d. per Lib. on Pensions .....	1,700	0	0	10	3	10½
1s. Ditto on Salaries .....	2,200	0	0	112	11	7½
6d. Ditto on Pensions .....	1,365	11	3	566	14	0
17. Ditto on Salaries.....	31	13	0	87	16	10
6d. Ditto on Pensions .....	2,500	0	0	1,037	15	8½
1s. Ditto on Salaries .....	1,435	0	0	738	1	6
6d. Ditto on Pensions .....	6,100	0	0	1,030	0	0
1s. Ditto on Salaries .....	12,800	0	0	1,100	0	0
6d. Ditto on Pensions .....	—	—	—	5,700	0	0
1s. Ditto on Salaries .....	500	0	0	15,000	0	0
<b>Permanent Taxes, carried forward..... £.</b>	<b>33,024,288</b>	<b>17</b>	<b>5</b>	<b>34,674,119</b>	<b>14</b>	<b>6</b>

				Year ended 10th Oct. 1813.			Year ended 10th Oct. 1814.		
				£.	s.	d.	£.	s.	d.
Permanent Taxes, brought forward .....				33,024,288	17	5	34,674,112	14	6
Surplus Annual Duties on Sugar and Malt .....				1,099,018	8	4½	509,803	1	11
Ditto..... Ditto .....Tobacco .....				1,600	0	0	151,474	13	2
Ditto..... Ditto ..... Additional Malt .....				61,593	0	0	742,341	8	10
Ditto..... Ditto ..... Malt .....				363,577	0	0	451,576	0	0
Ditto Land Tax on (Offices, &c. ....				69,801	17	0	54,201	11	7½
Ditto 6d. per Lib. on Pensions .....				—	—	—	—	—	—
Ditto 1s. Ditto ..... Salaries .....				—	—	—	—	—	—
Arrears of Income .....				41	5	0	2,167	0	11½
Fines of Leases .....				2,881	0	0	485	0	0
Rent of Crown Lands .....				—	—	—	2,485	16	4
Militia Fines ....				920	0	0	440	0	0
TOTAL Net Receipt .....				£. 34,623,721	7	9½	36,589,087	7	3½
Annual Duties, to pay off { Sugar and Malt .....				2,731,093	5	11½	2,636,804	2	10½
£. 3,000,000 { Additional Ditto .....				124,321	0	0	191,257	11	2
Exchequer Bills { Tobacco .....				338,468	19	10½	272,785	6	10
charged thereon. { Pensions, Offices, &c. ....				1,500	0	0	—	—	—
				£. 3,195,383	5	10½	3,100,847	0	10½
WAR TAXES:									
British Spirits .....				1803 .....	622,947	0 0	729,327	0 0	
Ditto ..... Ditto .....				1806 .....	1,500	0 0	127,500	0 0	
Ditto ..... Ditto .....				1812 .....	79,560	0 0	26,500	0 0	
Foreign Ditto .....				1803 .....	769,855	0 0	855,979	0 0	
Malt, Cap. 82 .....				— .....	2,027,121	0 0	2,204,465	0 0	
Sweets .....				— .....	4,221	0 0	3,666	0 0	
Tea .....				— .....	1,505,759	7 4½	1,573,368	17 1½	
Tobacco .....				1806 .....	333,224	0 0	294,156	0 0	
Brandy .....				1807 .....	54,301	0 0	83,997	0 0	
Ditto .....				1812 .....	7,715	0 0	4,361	0 0	
Temporary or War Duty.....				1809 .....	3,367,473	13 7½	3,123,947	6 5½	
Ditto ..... Ditto .....				1810 & 1811 .....	54,500	8 7½	56,154	10 2	
Ditto ..... Ditto .....				1813 .....	98,232	13 8½	202,853	17 1½	
Property .....				1803 .....	1,370	4 0	845	4 8	
Ditto .....				1804 .....	11,420	1 8½	1,300	0 0	
Ditto .....				1805 .....	29,990	17 6½	3,664	1 0½	
Ditto .....				1806 .....	4,252	9 9	4,784	4 11½	
Ditto .....				1807 .....	8,655	0 6½	11,618	15 9½	
Ditto .....				1808 .....	43,889	2 8	20,969	15 9½	
Ditto.....				1809 .....	119,638	8 6½	23,390	9 6½	
Ditto .....				1810 .....	634,969	3 1½	79,673	19 9	
Ditto .....				1811 .....	2,046,025	2 3½	512,136	6 7½	
Ditto .....				1812 .....	9,916,747	10 7½	2,328,367	5 4½	
Ditto .....				1813 .....	1,003,200	0 0	10,235,736	11 4	
Ditto .....				1814 .....	—	—	966,656	13 10	
				£. 22,740,568	4	0½	23,475,418	19	6½

Exchequer, the 21st  
day of November, 1814. }

WM. ROSE HAWORTH.



ROMAN CATHOLICS.] Sir J. C. Hippisley moved for the production of copies of the Resolutions of the Roman Catholic prelates of Ireland, of the month of January, 1799; and also for a copy of the letter of Monseigneur Quarantotti, of February, 1814, addressed to Dr. Poynter. He observed, that orders of the House had been made on his prior motion, at the close of the last session; but, by some accident, the orders had not been complied with, though the motion was made with the acquiescence of the noble viscount, to whose office those documents had been transmitted. Sir J. C. Hippisley observed, that he was the more anxious to renew the motion, as the papers were in themselves highly interesting, and so much misrepresentation had obtained on the subject of them, and indeed on the general subject which had been so often before the House. He had to regret that a very valuable compilation, by W. Poven, of the Temple, on the subject of the ancient jurisdiction of the crown, was not to be obtained by the same means, though it was deposited in the office of the secretary of state for the home department. He had the satisfaction, however, to know that the report would shortly be published, and very valuable information thereby derived to the public, materially elucidating the question of Catholic claims. Another rescript, of no light import, had lately appeared, which he could much wish to have been able to put on record, in the same manner, in the collection of documents upon this subject. He alluded to the papal rescript, or bull, for the restoration of the Jesuits—a subject which, when noticed by him only in prospective on a former occasion, had been treated with considerable levity; though at the same time a right hon. gentleman, now absent on a diplomatic mission, (Mr. Canning) admitted that the revival of the order in England, after its abolition in every Catholic state, was of a very alarming nature, if substantiated. The improbability of such a revival, therefore, could be the only ground of its being so lightly treated on that occasion. The fact, however, was now no longer to be controverted. A bull had appeared, authorizing the revival of the Order in every state, in the plenitude of its original institute. Sir J. C. Hippisley said, he wished to draw the attention of the House to this fact, more particularly in consequence of the misrepresentations that had gone forth

on the subject. Mr. Francis Plowden, who valued himself on being considered as the historian of Ireland, but whose historic pages were more known by their bulk than their accuracy, had written a very diffuse eulogy of the Order, in which he had been educated. It was in Russia, he exclaims, that this ‘*pianta si cara*’ flourishes in all its vigour, where it has its general, its professors, &c. Certain it was, that in Russia the Order did exist, and was now confirmed by the papal bull. But Mr. Plowden had suppressed the intimation of the real circumstances attendant upon it. The Jesuit colleges existed, and they were obliged to receive pupils, without distinction of religion; but a priest of the Greek church was also appointed to each college, to instruct the youth in the principles of the national religion. The Jesuits were interdicted from instructing the pupils, not of their own communion, in the doctrines of the Roman Catholic church. Examinations were held, at which the priests of the Greek church assisted; and no communication with the see of Rome was permitted, without the express authority of the state. Sir J. C. Hippisley said, he could extend this head of instruction to great detail, in opposition to what was so industriously propagated to mislead the lower and ill-informed classes of the Catholics, especially in Ireland, not only in reference to the Jesuits, but to the whole subject, as far as it was connected with restrictions obtained by every state; such as he had often noticed in that House, and such as it was the object of the committee he had moved in a former session, to substantiate. In adverting to the fate of that committee, though it could not but excite his regret, it was unaccompanied with any other feeling of a personal nature. The right hon. gentleman, whose great powers had been called forth to frustrate the motion, had since urged its renewal; but this sir J. C. Hippisley had declined, for it was for ministers only to assure the success of it. He was ready to assist, but not again to originate it. In whatever view the subject of concession was to be considered, as to its extent or limitation, he was assured there was no other adequate means to promote consistent legislation, but to resort to this preliminary measure of investigation. Before he sat down, he could not but in conscience submit to the consideration of his Majesty’s ministers the distressing situation in which many fami-

lies were involved, in consequence of the present state of the laws, as they affected the marriages of Catholics. In the duke of Newcastle's administration, the late pope had urged the Roman Catholic prelates in this country to solicit relief from the King's ministers, so far as to legitimate, by an act, the marriage of Catholics, without forcing them to a Protestant church; which, in fact, was offensive to their feelings and the discipline of their church. Of the vast mass of the lower class of the Irish Catholics in the vicinity of London, it was known that not one out of a hundred legitimated their marriages by submitting to the rites of the established church; an objection which, in some measure, existed in the duke of Newcastle's administration, no longer obtained, and therefore there could be no longer any ground to withhold a boon so just to be conceded, and so mischievous to be withheld. Sir John concluded with moving, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, 1. A Copy of the Resolutions of the Roman Catholic prelates assembled at Dublin on the 17th, 18th, and 19th of January 1799, transmitted to the chief secretary of Ireland. 2. A Copy of the Resolutions of the Roman Catholic prelates at Dublin, of the 28th of January 1799, transmitted to the chief secretary of Ireland. 3. A Copy of a Letter from Monseigneur Quarantotti to Dr. Poynter, dated the 16th of February 1814, transmitted to his Majesty's principal secretary of state for the foreign department."—Ordered.

ARMY ESTIMATES.] Lord Palmerston moved, "That the House do resolve itself into a committee, to take into consideration the Estimates for the army service."

Mr. *Whitbread* said, before the Speaker's leaving the chair, he thought it right to call the attention of the House to several subjects connected with the estimates which the noble lord was about to lay before them: The House were in want of that information which was necessary to enable them to form a proper judgment of the votes of supply proposed by his Majesty's ministers. When, on a former night, he had complained of the same want of information, he had been answered, that they had it not to give. There were some questions which he now wished

to put, with respect to the present state of Europe; and without obtaining something like satisfactory answers to these questions, it was impossible for the House to come to a proper resolution as to the amount of force which ought to be entrusted to the crown. He understood that an engagement which, though not reduced to writing, was certainly not the less binding on the honour of the country, had been entered into between our government and the person at present wearing the crown of Naples. When he had first mentioned this subject in the House, the right hon. the Chancellor of the Exchequer and his colleagues had stated, that they knew nothing of any such engagement. He would now repeat, that he understood there was a written treaty between the emperor of Austria and the king of Naples; and that this country, by two written notes, one from lord Castlereagh, and another from lord William Bentinck, had become parties to this treaty. When this government were asked to enter into a treaty with the king of Naples, that sovereign was requested to rely on an engagement of honour, as there was no time then to frame a regular treaty. Did not this regulate the force kept up in Sicily? He wished to ask, too, if there was not a treaty between this country and Spain, which had not yet been produced to the House? He understood that a secretary of sir Henry Wellesley had come over expressly to this country on the subject of this treaty, and that it was ratified so long ago as August last. He wished information on this subject, because the existence or non-existence of this treaty would be one of the causes which ought to operate very materially on the resolutions to be adopted by the House. There was another circumstance on which he wished also for information. He asked whether the paper, which they had all seen in the public prints a day or two ago, was authentic or not? He meant the order signed by prince Repnin to deliver up Dresden to the king of Prussia.\* Was it, or was it not au-

\* Copy of the Notification of his Excellency Prince Repnin to the Saxon Authorities; dated Dresden, Nov. 3.

"An official letter from the minister of state, the baron de Stein, dated the 21st of October, informs me of a convention concluded the 28th of September, at

thentic? The document, authorizing this proceeding, pregnant with mischief, characterized by dishonour, and injurious to the Saxon name, bore to be signed by lord Castlereagh. He understood that it had been recalled; but he wished to know if it had ever had the signature of a British minister affixed to it? There was another circumstance connected with Saxony, derogatory to the fame of a monarch whose character at present stood high in Europe, and which he hoped would turn out not to be founded in fact; he meant the order of the emperor Alexander for the imprisonment of the Saxon generals Lecoq and Thielman, on account of their memorial for the independence of

Vienna; by virtue of which, the emperor of Russia, in concert with Austria and England, places in the hands of the king of Prussia the administration of the kingdom of Saxony. I have orders, therefore, to deliver the government of this country to the persons appointed for that purpose by the king of Prussia, and to cause the imperial Russian troops to be relieved by the Prussian troops, in order to operate, by that means, the union of Saxony with Prussia, which will soon take place in a more formal and solemn manner, and in order to promote fraternity between the two people.

"This union is already in itself the guarantee of great and indisputable advantages to the two kingdoms, and to the whole of Germany; but the benevolence and care of the emperor of Russia, and the mildness and known goodness of the king of Prussia, will augment still more the happy results.

"After the preliminary deliberations, which had for their object the welfare of the whole, and the parts which comprise it, their majesties, namely, the king, Frederick William, as the future sovereign of the country, declares it to be his intention not to incorporate, as a province, Saxony with his states; but to unite it to Prussia, under the title of the kingdom of Saxony; to preserve always its integrity; to leave it to the enjoyment of the rights, privileges, and advantages, which the constitution of Germany will secure to those countries of Germany which form part of the Prussian monarchy; and to change nothing in its present constitution: and his majesty the emperor Alexander has testified his particular satisfaction at this declaration."

Saxony. It would be a great degradation indeed to the character of that monarch, if those Saxon officers, whose efforts had so much contributed to the gaining the battle of Leipsic, by going over from Buonaparté to the allies, should be treated in the manner he had stated.—In taking a general view of Europe, it was impossible at the present moment not to look with anxiety to the fate of the smaller powers; and he could not anticipate any thing like a lasting peace, when he saw every great power forming a focus of discontent by the addition of a number of other states to their territories, the subjects of which states would continue indisposed to their sovereignty. Genoa, it seemed, was to be united to Austria, Saxony to Prussia, Belgium to Holland, Norway to Sweden, and Poland to Russia. As to all these circumstances, it was impossible for the House to form any thing like a proper decision, without more information than was then before them; and he hoped that the information required would therefore at once be communicated.—There was another subject on which they were kept in ignorance, he meant the proceedings at Ghent. He understood that there was a rejection, on the part of the American government, of the basis which had been proposed by this country. He wished to ask his Majesty's ministers, if the negotiations at Ghent were broken off or not? And here it was impossible not to observe on the skill displayed by ministers in the employment of the force entrusted to them. At the beginning of the war, and till lately, there were strong parties in America, and the northern states were on the point of separating from the southern; but his Majesty's ministers had so fought and so negotiated, that all parties were now extinct in America; and there was one common mind and one common hand in the direction of all their energies in the prosecution of the contest with this country. He did not mean to go farther into this business at present, as the day would come when it would be more proper to enter on the discussion; but he must have more information on the subjects he had alluded to, before he could consent to the Speaker's leaving the chair.

The *Chancellor of the Exchequer* hoped, that the day was at no great distance, when government would have an opportunity of clearing itself from all blame in the conduct of the war. At this moment he would not be justified in going into anticipatory

details. The hon. gentleman himself, who was so eager after information, seemed aware that its being produced on certain subjects would be improper. He could however satisfy him on that, which he considered as the most important. With respect to the question on the subject of the conferences at Ghent, it was with satisfaction that he had to state to the House, that they were not yet broken off, and that the negotiations were still proceeding. With respect to the question as to the engagements between this country and the regency king of Naples, he had to answer, that he was not aware of any engagement with that power beyond a mere suspension of hostilities, or armistice. He would not enter into any explanation at present as to the other points alluded to by the hon. gentleman, connected as they were with the proceedings at Vienna, which could not come at present with propriety before the House. He had no difficulty, in answer to another question, to say, that a treaty had been concluded between this country and Spain; but as there was nothing of a pecuniary nature in it, it had been thought advisable to delay producing it, till several treaties with other powers were in a state to lay before parliament.

Mr. *Whitbread* thought the state of Europe a necessary ingredient in the consideration of the army estimates; but they were now to learn from the right hon. the Chancellor of the Exchequer, that this had no relation to them; that the time was not come to take it into consideration. And though the honour of the country was deeply interested in the order of prince Repnin bearing to be subscribed by lord Castlereagh, this, it seemed, was a subject on which ministers would not condescend to give now any information. The treaty with Spain was a matter which it was deemed unnecessary to make known to the House. The hon. member then proceeded to read a written statement of the nature of the engagement with the king of Naples. It bore, that the English government entirely approved of the treaty between Austria and the king of Naples, and of the accession of territory stipulated to the latter in that treaty; and that, if they refused to sign that treaty, it was from motives of delicacy towards an ancient ally; but that endeavours would be made to procure the acceptance of that power of the indemnity proposed in lieu of the possessions which were to form the

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accession of territory stipulated in the treaty with Austria.

The *Chancellor of the Exchequer* asked on what authority the hon. gentleman made this statement?

Mr. *Whitbread* said, he held in his hand a pamphlet, which was supposed to be published by authority. [Laugh from the ministerial bench.] (He begged gentlemen opposite would not laugh before the joke.) On the authority of that pamphlet, supported by information from sources which he had taken pains to verify; and he should rely on the facts as true, until peremptorily contradicted.

Mr. *Ponsonby* said, he had received at the door of that House, a paper, purporting to be an additional article to the treaty concluded with Russia at Chaumont, on the 1st of March, 1814, by which this country engaged herself to support the Russian fleet. Now, this had not much to do with the army; but he should be glad to know, why it had not been delivered before that day? The treaty had been signed on the 1st of March; parliament had sat till the 31st of July, and it was now produced on the 21st of November. This was a very unusual course, and in former times parliament had not been treated with so much neglect.

The *Chancellor of the Exchequer* was not aware at what exact time the article had been transmitted, but thought it probable its appearance had been postponed in consequence of delay in its ratification.

Mr. *Ponsonby* said, the Russian fleet had been sent here as a mark of the great confidence which the emperor of Russia placed in the government of this country; and came, as it were, to a place of refuge, against any success which might have attended the arms of France in her tremendous attack upon that country. He had never understood that England had asked for any Russian fleet to come hither as an assistant, to enable us to carry on the war in which we were engaged; and, therefore, he could see no reason why we should be called on to pay for a fleet, which was sent here to inspire us with confidence that the Russian government was determined at all events to prosecute the contest with France with the utmost vigour.

Mr. *Bathurst* observed, that the Russian fleet had been sent to our ports, not merely as a deposit, but with an engagement, that, whenever wanted, it would take the same share in the war as our own. As to the additional article, it was uncertain

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whether the ratification had been exchanged in sufficient time to be laid before parliament at a much earlier period. At all events, the whole of its substance had been stated last session to the House, towards which no disrespect had been shewn.

Mr. *Ponsonby* said, he had no recollection of any such substance as that mentioned by the right hon. gentleman having been laid before the House. He certainly had heard a great deal of the astonishing confidence which the Russian government had placed in that of England, by entrusting its whole naval force to the safe custody of this country; but he had never understood, nor ever heard, nor never entertained the most distant idea, that we were expected to pay for that so highly extolled confidence which was voluntarily placed in us.

Mr. *Tierney* said, that if the noble lord then at the head of the Treasury-bench had mentioned the fact to the House, his statement was not to be received as an official communication: but he did not remember such an occurrence. As it was a treaty granting a very large sum of money, ministers had been very negligent of their duty in not laying it upon the table. It was now pretty evident that this was a wrong time of year for asking questions, at least if answers were expected. When parliament met in November, the object seemed only to be to grant money; but however large the sums, no reasons were to be assigned for the vote. Only grant us the money, cried ministers; we must have it, we are in great distress, and we will talk over the subject at another time. Was it not monstrous, that when his hon. friend quoted prince Repnin's order, counter-signed by lord Castlereagh, and, with one stroke of the pen, annexing all Saxony to Prussia, the House should be told it was not time to give any explanation, and that the period for inquiry was not come? Till then, what would be the opinion of Europe, whose eyes were fixed on the opening and proceedings of the British parliament? The House had met without any given cause, for none was indicated in the Regent's speech, but merely because money was wanted; and when members did their duty, they were told that they acted wrong. He strongly protested against such a course of proceeding.

Mr. *Bathurst* maintained, that ministers did not refuse to give answers to proper questions; but when they applied to sub-

jects which, with the consent of the House, and of all Europe, had been consigned to pending negotiations, they were right in refusing to communicate any information. As to the note of prince Repnin, it was not known officially to exist. It would be impossible to give an account of the proceedings of the Congress, until they should have been brought to a close, when the whole would be unfolded to parliament, in presence, he trusted, of our absent negociator; but, even in his absence, if his return should have been delayed. At present, these were not topics for discussion. With respect to the armistice with the king of Naples, the hon. gentleman had taken for his authority a pamphlet.

Mr. *Whitbread* answered, no.

Mr. *Bathurst* said, he understood him to have stated, that he had derived his information from a pamphlet published on the continent: at all events, government had no knowledge of the arrangement such as he had described.

Mr. *Tierney* maintained, that his hon. friend had stated, that, although his first information was from a pamphlet, he had made such inquiries, and collected such facts, as, in his opinion, had fully confirmed it. But the argument of the right hon. gentleman was rather extraordinary. Because the Congress was sitting, the House was to know nothing of those of its acts which had publicly transpired. If, instead of being met, according to its original intention, to establish the future peace of the universe on a solid basis, it was assembled for the monstrous purpose of sharing nations for spoils, and for deeds of injustice, of which we already had an instance in the transfer of Saxony, we were told to wait till we saw the end. But it was his wish to prevent the House and the country, if possible, from being parties to conduct so infamous. If the right hon. gentleman would acknowledge that lord Castlereagh had been a party to it, he pledged himself to make a motion on the subject to-morrow. If it was said his lordship had not, he must suppose ministers had been left in utter ignorance of the proceedings of their colleague. It was his firm opinion, that lord Castlereagh had sanctioned the atrocious annexation of Saxony to Prussia. The transfer of Saxony was a monstrous act of injustice, and, if effected, wars upon the continent would be endless.

Mr. *Bathurst* replied, that government

would be ready to meet any motion that might be brought forward, but they would not desert their duty by giving unjustifiable answers, or rather answers to unjustifiable questions. The subject was now actually under negotiation at Vienna.

Mr. *Tierney* said, that his answer to that was, that the subject was not now negotiating, but actually negotiated: it was decided that Prussia was to have the absolute dominion of Saxony; and the only consolation was, that when Frederick William promised to take good care of his new subjects, the emperor Alexander expressed his satisfaction.

Mr. *Whitbread* said, he had derived the first particulars of the arrangement with Naples from a pamphlet published abroad, but he had not relied solely on its authority. On the contrary, he had sought for, and obtained such additional information as had convinced him that he was correct, and had quoted lord William Bentinck's own words. If the right hon. gentleman should find, at a future opportunity, that he (Mr. W.) had been in the right, then he must lay the fault on his own colleagues, who had witholden their proceedings from him. He believed the order respecting the transfer of Saxony to be authentic, and that that infamous transaction had really taken place. If so, the seed of fresh disturbances had been sowed on the continent, and we might bid adieu to the visionary halcyon days of peace. The delivering up of the devoted Saxons was an act of the most horrible injustice: all men shuddered at the deed. The act was done, and whether it could be revoked or not, the disgrace was incurred. The fate of Poland and of Genoa was equally fixed.

The *Chancellor of the Exchequer* submitted to the House the impropriety of bringing forward into public discussion every thing which formed the subject of negotiation at Vienna.

Sir *C. Monck* could not approve of the annexation of Saxony to Prussia, although the king of Saxony had certainly been found fighting on the wrong side. But there was another point on which he thought some explanation necessary. He meant the Ionian islands. These, which had first been Venetian dependencies, had afterwards fallen under the protection of Russia, who had not only given them up to France, but had been base enough to carry the French garrisons to them in her own bottoms. Now they had been

re-conquered by our arms, we had declared ourselves their protectors; and yet it was broadly asserted that they were to be surrendered to the emperor of Austria! He could not see how such conduct could be justified. Their independence had long been wished for, and when it was in a nascent state, and we pretended to be its guardians, we became parties to its annihilation.

Mr. *Stephen* said, that as this question related to the policy of Europe, he was surprised that the hon. gentlemen, on the other side, should ground their statements and arguments on anonymous pamphlets. There was a constitutional way of obtaining information, by coming forward, and moving an address to the crown, for the copies of any documents which they might deem it necessary to be laid before the House. He could not avoid thinking, it would be a practice very inconvenient for the House, to have questions of this sort daily put to ministers. Some gentlemen seemed to expect, from the courtesy and good nature of the ministers, that they could get information from them, which, if they were to give, those gentlemen would consider them guilty of great weakness. It was too much to think, that every statement in a pamphlet or newspaper was sufficient ground to call upon ministers to divulge the most important information.

Mr. *Horner* thought that nothing could show more clearly the change that had lately taken place in the practice of parliamentary proceedings, than to find a gentleman of the experience and ability of the hon. and learned member who spoke last, condemn the practice of seeking information of ministers. What had become of the functions of that House, if, when ministers demanded a large supply of money, gentlemen should be told that it was irregular to ask for what purpose it was wanted? If, indeed, there were any irregularity in this practice, it proceeded from the much greater irregularity that had lately been introduced on the other side of the House, in proposing large grants of money, and great armies to be kept up in time of peace, without condescending to inform the House for what purposes they were wanted. The right hon. gentleman desired them to wait with patience till some future day, when those subjects might be discussed with more regularity. He, however, conceived that the House had a right to be informed

generally of the state of our foreign relations, although they knew that negotiations actually pending could not with propriety be communicated. His hon. friends, however, had not asked about any thing that was doing, but about things actually done. They did not ask what crimes were meditating, but they wished to be informed about crimes actually perpetrated. They did not inquire about an act of prince Repnin alone, but they asked whether this act had not been sanctioned by lord Castlereagh, and whether this country was not thereby already committed? He saw no difference, in the principle, between the annexations that were now making, and the tyrannical acts of that government against which we had been so long contending. The only difference that he could see was, that instead of being the work of one great spoliator, it was the work of many. His hon. friend had been much misunderstood, if it was supposed that he had quoted from the pamphlet as his only authority. He had expressly stated, that he had made inquiries, and believed his information correct. As to the proposal of a grant of money on account of the Russian fleet, it had given him the greatest surprise. He never recollected to have before heard of any idea of paying Russia for her fleet coming to our ports. He had heard a great deal of the compliment that Russia was paying this country, by reposing so great a confidence in us; but when we were now asked to pay 500,000*l.* on that account, he wished to know what it was for? Was it on account of the compliment that Russia had paid us, or was it on account of the aid that our navy received or was to receive from them? We had heard many things of late, respecting which we must feel ashamed; and which, he believed, had wrung the hearts of our navy; but he did not know any thing that would be more mortifying than to say, that when Spain had no navy against us, and France had very little, the British navy wanted the aid of the Russian fleet against that little. As to the subject of America, the news that had lately come from that country had naturally produced the greatest anxiety and uneasiness. He was, however, happy to hear that the negotiations were still going on at Ghent, and he hoped sincerely that ministers had relinquished all the pretensions that they had set up with respect to boundaries. As long as the contest with America

turned upon the question of our maritime rights, government were certain of the support of the House and the country; but if the principle of the war was entirely changed, and it was now wished to make conquests from America, he believed that the war would not meet with the same support from the feelings of the House or the public.

Mr. *Wellesley Pole* observed, that the case in question was one which had no connection whatever with the subject on which the House was about to go into a committee. From the speeches of the hon. gentlemen opposite, it might be thought that they were totally ignorant that the war quantum of men, and the necessary expenses they required, had been stated within these few days over and over again. The hon. gentlemen's objection was, that we were called on to vote for keeping up a large army, without one tittle of evidence as to its necessity. Yet all the discourses of ministers, day after day, had tended to show why it was necessary that such a force should be maintained. An hon. gentleman had read a statement respecting Saxony, and had called on his Majesty's ministers to give information, as if it were possible or proper for them to refute every article in any or every newspaper published at home or abroad. We did not know any thing respecting Saxony; it was, in fact, impossible that we could know what was going forward at the Congress; and if ministers did know, it would be a dereliction of their duty to promulgate a word of it. Respecting America, the same pressure for information was made, and the same answer returned. It would be highly improper to enter into any explanations at such a time as the present. When the results were ascertained, then would be the proper time to lay the proceedings before the House, to state what had been done; and if they were not satisfactory, there would be an opportunity to shew that the failure, of whatever kind it might be, did not lie with this country, whose government and negotiators had made every effort in their power to bring the topics to a successful issue. At present (said the right hon. gentleman) not only our hands but our tongues are tied, and it would be grossly imprudent to give any information. There was no one part of the army expenditure that had not already been sanctioned by the vote of parliament; and if any expla-

nations were required, the committee would be the proper place for them; but certainly ministers were not called on to shew any grounds for the estimates at present.

Mr. *Tierney* observed, that the right hon. gentleman who had just sat down had declared, on a former night, that he was fond of responsibility; so it appeared; but none unluckily being attached to his office, he volunteered to bear the weight of responsibility that lay upon the whole administration. He wished him joy of his burden, which, in this instance, was not very light. Mr. *Tierney* said, he was very anxious to explain to the House the reasons why he could not consent to the motion, that the House should go into a committee. The House knew that, by the supplementary treaty of Chaumont, we were bound to keep up a force of 75,000 men on the continent, for the purpose of settling the affairs of Europe. He was proceeding, when

Mr. *Croker* suggested, that the committee would be the proper place for the right hon. gentleman to offer his sentiments at length.

Mr. *Tierney* said, he wanted to shew that the question respecting Saxony did distinctly bear upon that of the force in Belgium.

The *Speaker* reminded the right hon. gentleman, that his explanations must relate to something that had been stated in his former speech.

Mr. *Tierney* said, he wished to explain the motives on which he had asked for the information.

Mr. *Croker* resumed, that the right hon. gentleman could not be at liberty to state, in explanation, the motives which had operated on his mind for the opinion he had previously given.

The *Speaker* coincided with Mr. *Croker*.

Mr. *Tierney* added, that he thought it would be more convenient to make his full explanation at once: whether or not he should be allowed to go into it at present, was certainly at the discretion of the House. [Go on, go on, from the opposition.] The right hon. gentleman then continued. With respect to the question that regarded Saxony, each of the contracting powers in the treaty of Chaumont, had undertaken to keep up a force of 75,000 men, to give it full effect. It appeared we had a document to show on this subject, the purport of which was, as it would seem, to enable any power to

seize on the territory of any other power it might please, and hand it over to a third. He would wish the House to reflect on this, and then say, whether it was proper to vote an army for such a purpose. If he was convinced that it was for a good object that these troops were to be employed, he would not hesitate an instant in agreeing to the vote; but when he heard that they were to facilitate, and assist in the seizure of territories, after a general treaty of peace, he was entitled to ask, and to know whether this fact would turn out or not as it had been reported. He certainly could not make up his mind to believe it. He hoped there was some mistake; for though the fact of the annihilation of Saxony, as an independent kingdom, had been stated in all the foreign journals, and translated into those of this country, he could not persuade himself that lord Castlereagh had been guilty of such gross neglect, as to have omitted transmitting intelligence of such importance, if there were any foundation for it. He was sure every gentleman must feel it absolutely necessary, before the House voted a single man, to know whether these 75,000 troops were to be employed to overawe the people of Saxony; for prince Repnin's declaration distinctly stated to all Europe, that that country was overawed and seized upon.

Mr. *Ponsonby* wished to ask the right hon. gentleman, whether the papers which had just been published in this country, and purporting to be the documents relative to the negotiations at Ghent, which Mr. Madison had laid before the American Congress, were authentic or not? He asked for no secret to be exposed; he wanted no information that ought to be concealed; he only wished to know the point in question. That the American portions of them was correct, he had no doubt; whether all parts of them was equally so, was what he should wish to hear.

The *Chancellor of the Exchequer* objected to inquiries of this nature pending the discussions. No judgment could be formed of the state of the negotiation in November, from what had passed in August. If the American government chose to promulgate these documents, he hoped the example would never be followed by Great Britain.

Mr. *Ponsonby* replied, that unless he had forgotten the nature and principles of the American constitution, the president



had no alternative but to submit these papers to the Congress; he was obliged to do it. He did not assert, that the state of the negotiations in November depended upon the state in August; he only wished to know whether what had passed and transpired was a fact or not?

No answer was given; and the question for the Speaker leaving the chair being acceded to, the House went into the committee.

Lord *Palmerston*, on rising to move the estimates for the land service, observed, that they were not framed in the usual manner, but were merely statements of the amount of the forces required, and the length of time. The House would not, therefore, enter into a discussion upon them on this occasion, but would doubtlessly deem it proper to reserve their opinions for a future opportunity. He then moved, "That 204,386 men (exclusive of the men belonging to the regiments employed in the territorial possessions of the East India Company, and the foreign corps in British pay), commissioned and non-commissioned officers included, be maintained for the service of Great Britain and Ireland, from the 25th of December 1814, to the 24th of June 1815, both inclusive, being 182 days."

Mr. *Tierney* rose to ask, what proportion of the number of men demanded were to be employed under the supplemental article to the convention of Chaumont?

Lord *Palmerston* apprehended, that it was most unusual to state the distribution of the troops deemed necessary for the service of his Majesty.

Mr. *Tierney* said, it was not his intention to inquire as to the general distribution of the force, but he wished to know what was the proportion of the troops, which were then demanded of parliament, which it was intended to employ in consequence of the convention? For this, he contended, he had good grounds, since parliament was called on to vote a number of troops, only less by 50,000 than that which was employed when we were at war with the whole world. They already knew the amount of the force to be employed in consequence of the convention, viz. 75,000 men; but he wished to know, if it was not distinctly shewn that it was inconvenient to give such information, what proportion of the 75,000 men were to be taken out of the number now voted, and not to be provided for at some other time by parliament.

The *Chancellor of the Exchequer* thought the question put was equivalent to an inquiry what was the strength of the garrisons in the Netherlands. In such a view, the right hon. gentleman himself must be sensible of the inconvenience of an answer to it. A part of the troops to be employed under the convention, would be taken out of the number then demanded; but to enter into further details would be improper.

Mr. *Tierney* asked, whether if, instead of 200,000, there had been demanded 275,000 troops, it would not have required some explanation to justify it? The number actually demanded, though he could not affirm it to be excessive, required some explanation, to induce the committee to vote it. Now, what mystery could there be in saying what part of a given force—75,000 men, was to consist of British, and what of foreign troops?

Lord *Palmerston* repeated, that it had never been usual to state the distribution of any particular force, except for political purposes, because such an exposition might be injurious. It had been usual to state the aggregate number employed abroad and at home, but never the distribution of any particular species of force. If the question was answered respecting one part of the world, it might as well with regard to any and every other; and ministers might be called on to declare what proportion of troops was in the Ionian islands, or Sicily, or any where else. This would be equally unreasonable and inconvenient.

Mr. *Tierney* said, that as far as his memory served him, there were twenty cases where the general distribution of the troops had been stated. He did not inquire, however, as to the number of troops in Belgium; that he already knew; but what part of the number there employed was to be taken out of the 204,000 which they were then voting. Did the noble lord think that it was never necessary to state the ground of a demand for a force, but that as many men were to be given as were asked for?

The *Chancellor of the Exchequer* said, that the right hon. gentleman would find in the cases he had referred to, statements delivered in at one time respecting the distribution of the forces at some former period, respecting which the House was desirous of inquiring; but prospective statements had never been made. But perhaps it would satisfy the right hon.

gentleman to be reminded, that he had stated the number of troops employed under the convention was 75,000; and that 15,000 Hanoverians were in British pay on the continent, forming part of that force.

Mr. *Whitbread* said, that the right hon. the Chancellor of the Exchequer and the noble lord had puzzled themselves with finding reasons to avoid an answer, which at last, in a very sly way, had been given. So it turned out that there were 60,000 British troops on the continent, or that we intended to cheat the allies, by stipulating for a number which we had not maintained; a proceeding too disreputable and dishonest to warrant a supposition that it was adopted. Since, then, an answer had been given to the question of his right hon. friend, and since he intended to continue the good old practice of putting questions, he should again inquire, at a time when the House was voting so large a sum for military purposes, whether an estimate of the expense of repairing the fortresses in the Netherlands had been made, amounting to ten millions; and whether his Majesty's government had not engaged to bear the whole or a great part of that expense?

The motion having been put, and no answer having been returned to the last question,

Mr. *Whitbread* observed, that as no answer was given, an impression would go forth that this country was to bear the expense which he had mentioned.

Mr. *Bathurst* hoped that no such impression whatever would be produced from ministers declining to answer any questions they might deem improper.

Mr. *Whitbread* said, that the subject must come soon under consideration, and a frightful consideration it would be.

Mr. *Baring* said, that the impression that all the troops to be maintained under the convention were to be employed in Belgium, was, he believed, erroneous, since the troops employed in Genoa, and in the Ionian isles, were included in the number. It was, he conceived, a strange assumption, that the House was to vote the large sum proposed, without any information to what purpose it was to be applied, while we were in a state of profound peace with respect to the powers of Europe: even if such was the old parliamentary method of proceeding, he conceived it to be very indecent. On the subject of America, he said, that though

he was aware of the delicacy which it was proper to observe in asking questions in that House, and though the negotiations were yet pending, yet he could not but remark on the extraordinary mismanagement of his Majesty's ministers; the extraordinary pretensions which had been set up on our part, and which must have originated in some person totally ignorant of the state of public feeling in America, and which had produced the effect, when a great part of the best and most independent inhabitants of America had differed from their government as to the ground of the war with us, of joining all hearts and hands against us in every part of that country. The pretensions set up by our ministers had been so extraordinary, and the *prima facie* evidence of mismanagement such, that a motion ought to be made without farther information, since it was evidently impossible to attain a peace without, while these pretensions were persisted in. It had been said, that it was an extraordinary proceeding that the American executive should have laid before Congress the papers relative to the negotiation, while that negotiation was pending. But if in our own case, in a negotiation carried on on the other side of the Atlantic, a demand was set up of a piece of the county of Cornwall, it would be impossible that his Majesty should not lay the information of such a demand before parliament, to show the pretensions and expectations of the enemy. Our ministers at Ghent made it a condition of peace, that America should make concessions on every part of her frontiers. He did not intend to make any motion, nor even to ask for any information, but he thought it of importance that it should be known whether the pretensions set up on our part were persisted in. This was a question which bore an intimate connection with the number of troops which it would be necessary to maintain; for, if we persisted in our pretensions, it must make a most material difference in the sort of military force to be kept up, and government must prepare themselves to send out an enormous army indeed. If, however, after the Christmas holidays, something very satisfactory on this subject should not be stated, he should think it his duty to bring forward a motion on the subject.

Mr. *Stephen*, in allusion to what had fallen from a right hon. gentleman, said, that by the American constitution the president was not bound to lay papers

respecting a pending negotiation before Congress, and therefore the stricture of the Chancellor of the Exchequer was well founded. The papers respecting the restitution of American property in France, and the orders in council, were produced in consequence of a motion and the vote of a majority in Congress, on the ground of undue partiality shown to the French government.

Mr. Ponsonby asserted, that it was a principle in the American constitution, that no treaty could be concluded by the president without the concurrence of the Senate; and that without the consent of the Congress no territory could be ceded, nor any measures affecting the rights of American citizens taken. During the course of the negotiations, the British commissioners, if the papers published in America were correct, had taken for granted that a country, supposed by the Americans to be American territory, was as much British country as Northamptonshire. They also had proposed two conditions as a *sine qua non*—a pacification of the Americans with the Indians, and the erection of an independent territory for the Indians out of the ground which the Americans claimed. Then a new frontier was required for ourselves. On these points the president had no power to negotiate, and of necessity they were submitted to Congress. On trifling points the president might negotiate. It had been said, that it would have been inconvenient to have made known the state of the negotiation. He had no wish that any thing that had not been made public should be communicated to the House. He should have been content, as he had been formerly, to have stated, that he was opposed to designs of conquest. But what was the inconvenience now to make known the real state of the negotiation? With such pretensions as had been attributed to us, we had nothing to look for but a continuance of war. He would venture to predict, that we should never sign a peace while we persisted in the demands which had been held forth; and if the war was carried on with the design of enforcing them, that we should incur great expense, and fail in the end. Was there no inconvenience in such a state of things? It was not extraordinary, when extravagant pretensions on our part were stated to have been conditions *sine qua non*, that he should desire to hear the fact denied or authenticated. As to the maintenance of the

75,000 troops on our part, and a greater force on the part of the other great powers, he thought the treaty most improvident. The only danger apprehended could be from France; and if such apprehension were well founded, it was most impolitic to have given her the possessions which the allies had yielded to her, till the affairs of Europe were settled at the general Congress.

Mr. Stephen insisted, the president of America was not bound to lay the papers relating to a negotiation before the Congress, since it was only the ratification of treaties which belonged to Congress.

Mr. Ponsonby asked, what would have been the use of the president's carrying on in secrecy a negotiation which it was not in his own power to complete? If the case had been respecting points which were left to his discretion, there would have been no necessity for such a measure on his part. But the negotiations had been actually broken off or suspended, in consequence of our demands, in which we had insisted on a cession of territory as a *sine qua non*—as a necessary preliminary to the conclusion of any peace.

Mr. Stephen contended, that the president might have concluded a treaty without the concurrence of Congress, and have applied to them for the ratification merely. The only *sine qua non* in our proposals was, he conceived, the pacification with the Indians.

Mr. Ponsonby said, the establishment of an independent territory for the Indians was also a *sine qua non*.

Mr. Baring remarked, that this was the first time that the Indians had been set up as an independent people. The territory to which we made pretensions on their part, was, perhaps, one-fourth of the whole United States territory; and to give an idea of the state of the inhabitants, it would be enough to say, that in this vast space there were only about 10,000 Indians at the most. Even if the Americans would consent to the terms proposed by us, they would be most injurious to us, since, though the Indians might not sell their lands to us or the Americans, they would be allowed to dispose of it to any third party, so that the French or any other nation might settle on it. As to the constitution of America, he conceived that, since it was a federal compact of sovereign states, that the Congress could no more alienate a part of Massachusetts than the state of Switzerland could dispose of a

part of the territory of Berne; but any state might alienate a part of its own territory. He said, it was consistent with the spirit and practice of the American constitution, for the president to communicate the papers which he had made known; and the great distance of the country from the scene of negotiation, rendered the step obviously necessary.

The *Chancellor of the Exchequer* begged leave to state, that the hon. gentleman had been reasoning as if the negotiation was broken off; but this was not the fact, as they were continuing at the date of the last accounts.

Mr. *Robinson* said, that the heads of our proposals were stated to be, 1. The adjustment of the boundary; 2. The pacification of the Indians; 3. The establishment of their territory; 4. The fisheries. The American commissioners had replied, that as to the second and third heads, they had no instructions; but that they had instructions as to the first and fourth. Now, he first referred to the cession of territory, which clearly proved that the president was of opinion, that he was entitled to give instructions on that head, and which overturned the justification which had been made of his conduct.

Mr. *Ponsonby* said, the instruction which the American commissioners had, was, perhaps, that they should not cede any territory.

Mr. *Baring* said, that one part of the boundary between Canada and New Brunswick was never settled. The St. Croix river was the boundary as far as it ran, but the rest had not been traced. It was all wild country, without one white inhabitant; and of course the Americans could have no objection to a settlement of that boundary, provided we proceeded on the ground of mutual convenience, and not as if we had them at our mercy. From the lakes to the Mississippi the land was equally wild, and the boundary ill defined, and of little consequence to either country.

Mr. *Rose* observed, that, according to the American constitution, a copy of which he held in his hand, the president, with the concurrence of two-thirds of the senate, was invested with the power of concluding treaties, without any restriction whatever as to the cession of territory.

Mr. *Baring* said, that the several American states had, like the cantons of Switzerland, constituted a general government,  
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to which they granted certain specific powers; but it was always understood, that any powers which were not so specifically granted, were reserved by the states; and it did not appear, from the constitution alluded to by the right hon. gentleman, that the general government was invested with the power to cede any territory.

The motion was agreed to.

On the motion, "That 10,900*l.* be granted for defraying the charge of five troops of dragoons and thirteen companies of foot, stationed in Great Britain, for the purpose of recruiting the corps employed in the territorial possessions of the East India Company," a conversation arose, in which Mr. A. Robinson, lord Palmerston, and Mr. Tierney, took a part. In reply to a question from Mr. Robinson,

Lord *Palmerston* stated, that the additional number of the regular army in India, beyond the amount settled by the Act to be maintained in that territory, was to be defrayed from the general funds of the empire; and that, therefore, any advances made by the India Company for the maintenance of these additional troops, would, like other advances occasionally made by the Company for the public service, be subsequently repaid.

Mr. *Tierney* observed, that a greater number of regiments were maintained in India than were necessary to supply the number of men fixed by the statute, and thus a considerable increase of patronage took place.

Lord *Palmerston* said, that regiments, however effective when sent out, were too likely to become non-effective at such a distance from the parent state, and hence it became necessary to send out additional regiments in order to keep up the supply required.

Mr. A. *Robinson* adverted to the disadvantage to which the India Company was subject, in consequence of the increased patronage alluded to; observing, that two-thirds of the regiments now in India would be sufficient to supply the number of men fixed by the Act. He added, that as 20,000 men was the number appointed by the Act in the calculation of war, he must suppose that a considerable reduction would take place on a peace establishment.

Mr. *Courtenay* said, that it was intended prospectively to make provision that the number of regular troops in India should not exceed that fixed by the Act, and that



orders had with that view been actually sent out to India.

The motion was agreed to.

On the motion, "That 245,000*l.* be granted, for defraying the charge of the disembodied militia of the united kingdom of Great Britain and Ireland, and royal corps of miners of Devon and Cornwall,"

Mr. *Tierney* wished to know what provision the noble lord intended to make for the militia which was not yet disembodied?

Lord *Palmerston* said, that provision being already made for the maintenance of the militia up to the 25th of December, this vote applied only to those who were disembodied. Should the necessity which called for retaining some of the regiments cease in the course of the recess, a similar provision would be made for them.

Mr. *Whitbread*, after declaring his conviction that the continuance of any of the militia embodied, under the present circumstances, was directly contrary to law, expressed a wish that the noble lord would state something more precise upon this subject. An explanation was certainly necessary to satisfy the mind of the country, and especially to allay the complaints of those among the militia who were still embodied. Did the noble lord think it probable that the whole of the militia would be disembodied by Christmas, or at what time? Something in the way of explanation was obviously due to those regiments, the officers and men belonging to which must feel themselves disappointed, and especially those who, even upon the verge of their own counties, in the prospect of being immediately disbanded, were ordered to continue embodied, while they saw that not only other regiments of militia were disbanded, but that several of the second battalions belonging to the regular army were disbanded also.

Mr. *Bathurst* observed, it certainly might bear hard on some individuals, that government had it not in their power to grant them that repose which their services deserved. The necessity of the case was a sufficient justification. As to the law of the hon. gentleman, which he had laid down in his usual broad manner, he entirely dissented from it. The conduct of government in keeping up a portion of the militia, was perfectly consistent with the act of parliament. This, however, was not the question before the House. They were then required to vote a certain sum to defray the charge of disembodiment

the militia. With the feeling that they would be disembodied, as soon as possible, the noble lord had not thought it necessary to provide for the regiments now in being, beyond the time he had mentioned. Unless it could be proved, that government had shewn an undue preference to particular regiments, no impropriety could be imputed to their conduct. From the very nature of the thing, those regiments which were at the greatest distance from home, were necessarily those that would be retained. The inconvenience must fall somewhere; and, in preventing the disembodiment of certain of the militia regiments, government had not acted partially nor unjustly.

Mr. *Whitbread* observed, that his interpretation of the law on this subject was supported by several eminent lawyers. The conduct of government on this occasion was unprecedented. It was the first time, he believed, since the militia force was formed, when all the regiments were not out together; and he doubted whether the King had the power of making such a selection as had taken place. Looking to the act, it was impossible to suppose that the Northumberland, the Devon, or the Nottingham militia, could be called on to serve, when the other regiments were disembodied, since the statute contemplated the service of the whole militia force.

Mr. *Bathurst* stated, that in former instances some of the militia had been called out, and not the whole.

Mr. *Whitbread* asked in what instance?

The *Chancellor of the Exchequer* replied, that in 1792 some militia regiments were called out, and not the whole.

Lord *Palmerstone* observed, that the militia were partially called out in 1792 from the same considerations; that only a part of that body were now retained in service, namely in order to save expense, to provide that the expense incurred should not exceed the necessity of the case.

Colonel *Wood* said, that what had been termed the selection of militia regiments, was a circumstance perfectly accidental. When it was found necessary to call for the services of a part of the militia force, those who were farthest removed from their ultimate places of destination were resorted to. Now, supposing the hon. gentleman's opinion to be correct, his stating that opinion, 'that it was contrary to law to retain any of those regiments,' could do no good, and might have a con-

rary tendency. If his law were good, then the regiments must be disembodied; if it were not, how could he reconcile it to his feelings, to utter declarations which would make the militia-men more dissatisfied with their situation, and render still more difficult the task of those who were responsible for their control, and who found it hard, even now, to keep them in good humour and good order. He concluded with expressing a wish that this question as to the law upon the subject were satisfactorily settled, as he hoped it would be, through the discussion expected on Monday.

Mr. *Whitbread* repeated his opinion, which, he said, was formed from his own reading of the law as well as from the judgment of eminent lawyers.

The *Attorney General* thought it proper to state, that his opinion as to the law upon this subject, entirely differed from that of the hon. gentleman who spoke last; and although he had had nothing to do with the framing of the act alluded to, he was quite confident that the crown legally possessed the power of proceeding, with respect to the militia, in the way objected to by the hon. gentleman, subject only to the constitutional responsibility of the ministers advising the exercise of that power.

Mr. *Whitbread* said, that when he referred to the judgment of some of the highest legal authorities in the country, he did not at all mean to include the learned gentleman, whose difference from those whom he had consulted, could neither excite his surprise nor affect his opinion.

The *Attorney General* did not mean to doubt the hon. gentleman's facility of access to higher legal authority than he could pretend to; all he meant to say was, that, according to the best of his judgment, he could not agree with the opinion of the hon. gentleman.

Mr. *Ponsonby* said, the noble lord had informed them, that the embodied militia were provided for until the 24th of December: now, supposing they were continued after that time, he wished to know how they were to be supported? Parliament probably (though he should be sorry if such were the fact) would not meet until long after that period: how, in the interim, did the noble lord mean to keep the militia on foot?

Lord *Palmerston* answered, that, should any part of the militia continue embodied beyond the 24th of December, they would

be provided for, out of the vote of that night for the disembodied militia. It might be considered a vote for militia services.

Mr. *Ponsonby* did not consider the answer of the noble lord satisfactory. His lordship stated, that the present vote was for militia services. That House never before had such a proposition made to it: they were constantly in the habit of voting for specific services. How could the noble lord, with propriety, transfer a portion of the money voted for the disembodied militia, to the service of the embodied militia? He hoped the noble lord would not proceed in this indiscreet manner: if he believed any of the militia would be embodied beyond the 24th of next month, it would be much better for him to move a small vote of credit to meet the consequent expense, than to appropriate part of a vote granted by the House for a specific purpose.

Lord *Palmerston* said, the present were not specific estimates; he was moving for money on account. It would be easy, by leaving out the word 'disembodied,' and granting the sum for the services of the militia generally, to obviate every objection.

Mr. *Ponsonby* said, he was more opposed to this amendment than to the original statement of the noble lord, because, if it were agreed to, parliament would be kept in ignorance of the regiments embodied or disembodied. The ministers of the crown would, in that case, have complete control over the public money, and not the House of Commons. The right hon. gentleman again advised a small vote of credit to be called for, if necessary, sooner than appropriate this vote to any other but the stated purpose.

The *Chancellor of the Exchequer* expressed his concurrence in the opinion of Mr. *Ponsonby*, which should be taken into consideration.

Mr. *Tierney* asked, why such a sum should be voted on account, for the service of the militia on a peace establishment? He thought that a specific vote might be proposed.

Lord *Palmerston* said, that it would be impossible to be more specific, as the number of men belonging to the several disembodied regiments, who were to remain in those regiments to be trained in the usual manner during peace, was not yet ascertained. The vote, however, was only to extend to 1815; and before fur-

ther provision should be proposed after the recess, the information necessary to a precise vote would be collected.

The motion was agreed to.

Upon the motion, "That 200,000*l.* be granted, for defraying the charge of general and staff-officers of the hospitals serving with his Majesty's forces, and the charge of his Majesty's garrisons,"

Mr. *Tierney* inquired whether this grant was for a permanent establishment of the staff at home; and whether it was intended to make any, and what reduction, of expense in that department?

Lord *Palmerston* replied, that a considerable reduction had already taken place in the home staff; but whether any farther reduction was intended, he was not at present enabled to state. The motion, however, before the committee, was not meant to pledge parliament with regard to any permanent establishment, as the subject would be brought fully under its consideration after Christmas. The motion was agreed to.

On the motion, "That 218,000*l.* be granted for defraying the charge of half-pay to reduced officers,"

General *Gascoyne* pressed upon the attention of the committee the claims of those officers who had been put upon half pay before the breaking out of the last war, and inquired of the noble lord, whether it was his intention to propose that they should be comprehended in that increase of half-pay which had been voted last session? He wished also to call his attention to the existing distinction between England and Ireland, as to the manner in which half-pay was received by officers; and to the subject of poundage (sixpence in the pound) which was exacted from the half-pay of every officer, whether subaltern or not, and operated as a serious diminution of the small stipend bestowed upon them. What became of that poundage so deducted he did not know, though he had made many inquiries upon the subject, and he should like to be informed by the noble lord.

Lord *Palmerston* replied, that if the hon. general would duly consider the subject, he could not suppose that the increase of the half-pay, which had been voted last session, was intended to extend to officers reduced after the American war. With regard to the poundage, and the assimilation of the half-pay in Ireland and England, those subjects were under the consideration of government; though he

could state, for the information of the hon. general, upon the former point, that the sums estimated were voted minus the poundage.

On the motion, "That 100,000*l.* be granted for defraying the expenses of the Volunteer Corps in Great Britain and Ireland,"

Mr. *Whitbread* asked what possible pretence there could be for voting a sum like the present; and what occasion now existed for volunteer service, either from our external or internal condition?

Lord *Palmerston* said, that the nature of the volunteer force contemplated in the estimate was the cavalry corps of England, and what were called the yeomanry corps in Ireland. Whatever might be the future determination of the government with respect to those corps, the House would not, he apprehended, think it desirable that their services should be dispensed with at the present moment.

Mr. *Whitbread* replied, that he, for one, should think it very desirable to dispense with their services, because he saw not the least necessity for them at present.

Mr. *Ponsonby* observed, that in some parts of Ireland, to his certain knowledge, the yeomanry corps had been disembodied; and no one could affirm that there existed any more reason for continuing that description of force in Ireland than in this country.

Sir *M. W. Ridley* concurred in thinking that the keeping up the cavalry and yeomanry corps was unnecessary.

Lord *Palmerston* observed, that the estimates were framed entirely with a view to existing circumstances; and it was important so material a part of our force should be provided for, until government had arranged what was to be the whole amount of the military peace establishment. The cavalry corps in England he considered as a species of force the least liable to objection of any, as, by keeping it up, government might disembody a much larger proportion of the militia.

Mr. *Whitbread* said, he must still consider that no sufficient reason existed or had been shewn for inducing the committee to comply with the vote.

The *Chancellor of the Exchequer* observed, that as there was not much probability of any imminent danger threatening this country, between this and the period when the House would meet after Christmas, he would advise his noble friend to withdraw the estimate for the present.

This suggestion was acceded to by lord Palmerston; the remaining Resolutions were agreed to, and the House resumed.

## HOUSE OF COMMONS.

*Tuesday, November 22.*

ADDITIONAL ARTICLE TO THE TREATY OF CHAUMONT.] The Chancellor of the Exchequer presented to the House, by command of the Prince Regent, the following

“Additional Article to the Treaty concluded at Chaumont, the 1st of March, 1814, between his Britannic Majesty and the Emperor of all the Russias.

“His Britannic Majesty engages, for the year 1814, to provide for the maintenance of the Russian fleet, and its crews, now in the ports of England. The expense is estimated at five hundred thousand pounds sterling.

“In the event of peace with France, or of the departure of the said fleet on its return to Russia in the course of the year, his Britannic Majesty shall provide for its maintenance for four months, reckoning from the day of the signature of the peace, or of the departure of the fleet from the ports of England.

“The present additional article shall have the same force and validity as if it were inserted word for word in the treaty patent of this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

“In witness whereof, the respective plenipotentiaries have signed and affixed to it the seal of their arms.

“Done at Chaumont, the 1st March, in the year of our Lord 1814.

“CASTLEREAGH. CHARLES ROBERT  
(L.S.) COMTE DE NESSELRODE.”  
(L.S.)

COURT-MARTIAL ON COLONEL QUENTIN.] Colonel *Palmer* said, in consequence of a statement in a newspaper which he held in his hand, purporting to be from authority, he gave notice that it was his intention after the recess, and in the fullest period of the session, to bring the subject of the court-martial on colonel *Quentin* again before the House. In the newspaper to which he had alluded, a contradiction was given to an assertion which he had made in the House when he brought forward the former motion. He

knew not by what authority this statement was made, but he could say that it was wholly without foundation. In the motion for the proceedings of the court-martial, he had avoided entering on subjects connected with the case, under the idea that they would come with more propriety before the House when they were in possession of the whole of the proceedings. But now that the House had refused to agree to the Address for these papers, it was his intention to lay before them what he would have done had this Address been acceded to; and he should feel it his duty, when he brought forward his motion, to move at the same time a call of the House.

MR. SERJEANT ONSLOW'S BILL FOR SECURING THE LIBERTY OF THE SUBJECT.] Mr. Serjeant *Onslow*, agreeably to notice, moved for leave to bring in a Bill “for more effectually securing the Liberty of the Subject.” The learned serjeant went into a history of the origin of writs of Habeas Corpus. Originally these writs could only be issued by the court of Chancery and the court of King's-bench. The statute of Charles 1, gave a similar power to the court of Common Pleas; and the act of Charles 2, extended it to all the superior courts in criminal matters, both in term time and vacation. In 1758, sir John Cust, Speaker of the House of Commons, introduced a bill for still further extending the power of issuing writs of Habeas Corpus; but this Bill was very properly thrown out in the House of Lords, as it had a tendency to degrade the judges, and convert them into mere ministerial instruments.\* After the rejection of this Bill, lord Hardwicke moved the House of Lords, that instructions should be sent to the judges to prepare a bill to regulate the issuing of writs of Habeas Corpus. A bill was accordingly prepared by the judges, but, for some reason or other, it was never proceeded in. That Bill, however, was the foundation of the Bill which he was now about to bring

\* For an interesting account, by Dr. Birch, of the Debate in the House of Lords, May 9, 1758, on this Bill; and also for a Paper, intituled, “Heads of Objections to the Bill for extending the Habeas Corpus Act,” copied from the MS. notes of lord chancellor Hardwicke, see New Parliamentary History, vol. 15, pp. 897, 923. See, too, p. 871 of the same volume.



in; which, indeed, with the exception of a few verbal alterations, was much the same. The object of the Bill was to extend the power of granting writs of Habeas Corpus to the lord chancellor and all the other judges, in term time and vacation; and ordering not only returns in vacations, but also allowing process for contempt—a power which was not at present possessed; and also giving a power to the chancellor, or the other judges, to inquire into the truth of the case, and to award issues accordingly.

Mr. Serjeant Best having seconded the motion, leave was given to bring in the Bill; and Mr. Serjeant Best, Mr. Serjeant Onslow, and sir Samuel Romilly, were ordered to prepare and bring it in. Mr. Serjeant Onslow accordingly presented the Bill. On the motion, that it be read a first time,

Mr. Croker asked, if its provisions extended to Ireland?

Mr. Serjeant Onslow said, he had not extended it to Scotland, as that country possessed an act against wrongous imprisonment; nor to Ireland, as he was not sufficiently acquainted with the laws of that country, to be adequate to such a task.

Mr. Croker said, that the law of England was also the law of Ireland. He hoped, therefore, that the Bill would not be pressed forward so as to preclude such amendments as might allow it to be extended to Ireland. He trusted, that the further stages would not be gone through till after the recess.

Mr. Serjeant Onslow said, it was his intention to move the second reading on Monday next; but he would take no further steps in it till after the recess.

Mr. Horner said, the country were extremely indebted to the learned serjeant for his Bill. When he said so, he did not mean to commit himself to any premature approbation of its contents; but the statement of the learned serjeant was a great recommendation of it, namely, that it was taken from a bill which had been framed by the judges. If it were true, that the laws of England and Ireland were the same as to writs of Habeas Corpus, the provisions of this Bill ought certainly to be extended to Ireland also. He regretted extremely, that, as the law now stood, this Bill could not be extended to his own country. He believed, that a person acquainted with the law of that country, could not confer a greater benefit on his

countrymen, than by revising the Act relating to wrongous imprisonment. As the law now stood in Scotland, the remedy was neither so efficacious nor so prompt as it was under the existing laws of this country, narrowed as the Act of wrongous imprisonment had been by the recent decisions of the Scotch judges. He felt anxious that some person properly qualified should undertake the task of assimilating, as much as possible, the remedy to be given in that country to what it would be in this.

Sir John Newport said, the provisions of this Bill ought not to be extended to Ireland in a separate act, but the whole ought to be incorporated in the same statute. If they wished to fill the people of Ireland with a respect for the laws, it would not be by enacting separate statutes for that country, but by extending one general rule to the whole of the United Kingdom, unless there was some cause to the contrary. This was the only way of perfecting the union between the two countries. In almost every instance, the statute law of Ireland and England were the same; and if in some cases the parliament of Ireland had not gone so far as that of England, it would have been desirable that they had gone farther.

The Bill was then read a first time, and ordered to be printed.

COPY OF MR. SERJEANT ONSLOW'S BILL FOR SECURING THE LIBERTY OF THE SUBJECT.] The following is a copy of the Bill, as brought in by Mr. Serjeant Onslow:—

“ A BILL for more effectually securing the Liberty of the Subject.

“ Whereas the writ of Habeas Corpus hath been found by experience to be the most beneficial method of restoring any person to his liberty, who has been unjustly deprived thereof:

“ And whereas extending the remedy of such writ, and enforcing obedience thereunto, and preventing delays in the execution thereof, and ascertaining the proceedings thereupon, will be greatly beneficial to the public:

“ And whereas the provisions made by an Act passed in the thirty-first year of king Charles the second, intituled, ‘ An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas,’ only extend to cases of commitment or de-

tainer for criminal or supposed criminal matter:

“ Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, That where any person shall be confined or restrained of his or her liberty, otherwise than for some criminal or supposed criminal matter, or imprisoned for debt, or by process in any civil suit, within that part of Great Britain called England, dominion of Wales, and town of Berwick-upon-Tweed, and the isles of Jersey, Guernsey, and Man, it shall and may be lawful for the lord chancellor, lord keeper, lords commissioners of the great seal, for the time being, or any one of them, or any one of his Majesty's justices of one bench or the other, or the barons of the Exchequer, of the degree of the coif, and they are hereby required, upon complaint made to them by or on the behalf of the person so confined or restrained, if it shall appear by affidavit or affirmation (in cases where by law an affirmation is allowed) that there is a probable and reasonable ground for such complaint, to award in vacation time a writ of Habeas Corpus *ad subjiciendum*, under the seal of such court whereof he or they shall then be judges or one of the judges, to be directed to the person or persons in whose custody or power the party so confined or restrained shall be, returnable immediately before the person so awarding the same, or before any other judge of the court under the seal of which the said writ issued.

“ And be it further enacted by the authority aforesaid, That if the person or persons to whom any writ of Habeas Corpus shall be directed in pursuance of this Act, upon service of such writ, either by the actual delivery thereof to him, her, or them, or by leaving the same at the place where the party shall be confined or restrained, with any servant or agent of the person or persons so confining or restraining, shall wilfully neglect or refuse to make a return or pay obedience thereto, he, she, or they shall be deemed guilty of a contempt of the court under the seal whereof such writ shall issue; and it shall and may be lawful to and for the said lord chancellor, lord keeper, lord commissioner, justice, or baron, before whom such writ shall be returnable, upon proof made of such service, to award, in the va-

cation time, process of contempt under the seal of such court, against the person or persons guilty of such contempt, returnable before himself in the vacation time, who shall proceed thereon as to law and justice shall appertain: provided, that if no such writ shall be awarded so late in the vacation by any one of the said justices or barons, that, in his opinion, obedience thereto cannot be conveniently paid during such vacation, the same shall and may, at his discretion, be made returnable in the court of which the said justice or baron shall be a justice or baron, at a day certain in the next term; and the said court shall and may proceed thereupon, and award process of contempt in case of disobedience thereto, in like manner as if such writ had been originally awarded by the said court: provided also, that if such writ shall be awarded by the court of King's-bench, or the court of Common Pleas, or court of Exchequer, in term, but so late that, in the judgment of the court, obedience thereto cannot be conveniently paid during such term, the same shall and may, at the discretion of the said court, be made returnable at a day certain in the then next vacation, before any judge or baron of the same court, who shall and may proceed thereupon in such manner as by this Act is directed concerning writs issuing in and made returnable during the vacation.

“ And be it further enacted by the authority aforesaid, That in all cases provided for by this Act, although the return to any writ of Habeas Corpus shall be good and sufficient in law, the said lord chancellor, lord keeper, lord commissioners, justice, or baron, before whom such writ be returnable, shall, as soon as conveniently may be, proceed to examine into the truth of the fact set forth in such return, and into the cause of such confinement or restraint, by affidavit, or by affirmation (in cases where an affirmation is allowed by law), and shall do therein as to justice shall appertain: and if such writ shall be returned before any one of the said justices or barons, and it shall appear doubtful to him on such examination, whether the material facts set forth in the said return, or any of them, be true or not, in such case it shall and may be lawful for the said justice or baron to let to bail the said person so confined or restrained, upon his or her entering into a recognizance with one or more sureties; or in case of infancy or cover-

ture, upon security by recognizance, in a reasonable sum, to appear in the court of which the said justice or baron shall be a justice or baron, upon a day certain in the term following, and so from day to day as the court shall require, and to abide such order as the court shall make in and concerning the premises; and such justice or baron shall transmit into the same court the said writ and return, together with the said recognizance, affidavits, and affirmations; and thereupon the said court shall proceed, order, and determine touching the discharging, bailing, or remanding the party, as to justice appertain, either in a summary way by affidavit, or affirmation, in cases where by law affirmation is allowed, or by directing one or more issues for the trial of the facts set forth in such return, or any of them; whereupon such proceedings shall be had as in other cases of issues directed by that court.

“ And be it further enacted by the authority aforesaid, that the like proceeding shall be had in the court for controverting the truth of the return to all writs of Habeas Corpus awarded for or on behalf of any person confined or restrained of his or her liberty, otherwise than for some criminal or supposed criminal matter, or being imprisoned for debt or by process in any civil suit, although such writ shall be awarded by the said court, or be returnable therein.

“ And be it further enacted by the authority aforesaid, that the like proceedings, as to awarding issues, shall be had in cases where the said writ shall be awarded by the lord chancellor, lord keeper, or lord commissioner of the great seal for the time being, and be returnable before him or them.

“ And be it further enacted, that by the authority aforesaid it shall and may be lawful for the lord chancellor, lord keeper, commissioners of the great seal, court or judge, proceeding on any writ of Habeas Corpus *ad subjiciendum*, awarded in cases of confinement not for criminal or supposed criminal matter, nor imprisonment for debt, nor by process in a civil suit, to make such order in regard to the payment of the charges and expenses of bringing up the party so confined or restrained, and for carrying him or her back to his or her place of confinement, in case of remanding, as to such lord chancellor, lord keeper, commissioners of the great seal, court or judge, shall, upon examination thereof,

seem meet; and, for non-payment thereof, to award process of contempt; whereupon such proceedings shall be had as in other cases of contempt for non-payment of costs.

“ And be it declared and enacted by the authority aforesaid, that an Habeas Corpus, according to the true intent and meaning of this Act, may be directed and run into any county palatine or cinque port, or any other privileged places, within that part of Great Britain called England, dominion of Wales, and town of Berwick upon Tweed, and the isles of Jersey, Guernsey, and Man, and also into any port, harbour, road, creek or bay, upon the coast of England or Wales, although the same should lie out of the body of any county; any law or usage to the contrary in anywise notwithstanding.

“ And be it further enacted by the authority aforesaid, that the several provisions made in this Act, touching the making writs of Habeas Corpus, issuing in time of vacation, returnable into the said courts, or for making such writs awarded in term time, returnable in the vacation, as the cases may respectively happen, and also for awarding process of contempt in the time of vacation, against the person or persons neglecting or refusing to make return of such writs, or to pay obedience thereto, shall extend to all writs of Habeas Corpus awarded in pursuance of a certain Act passed in the 31st year of the reign of king Charles the 2nd, intituled, “ An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas,” in as ample and beneficial a manner as if such writs and the said cases arising thereon had been hereinbefore specially named and provided for.”

TREATY WITH NAPLES.] Mr. *Whitbread* regretted that he had not arrived sufficiently in time to introduce the subject on which he was about to address the House, before its agreeing to the report of the Army Estimates. To shew that he had not made the statement which he did last night, without having previously taken every pains to inform himself of its correctness and authenticity, he now held in his hands a printed copy of the treaty of alliance between the reigning king of Naples and the emperor of Austria, by which the possessions of the former were guaranteed to him; and, by a secret article to the same treaty, an accession of

territory was promised to him from the dominions of the pope, on condition of the immediate co-operation of his army with the army of the allies. This treaty was acceded to on the part of the British government by lord William Bentinck; and a note signed by him bore that, in case the Neapolitan government should not exact the entering into a written treaty, but, relying on the word of a British minister, should be contented with a verbal engagement, the undersigned was instructed officially, on the part of the British government, to approve of the treaty concluded between the emperor of Austria and the king of Naples, and of the addition of territory therein specified to be taken from the dominions of the pope; and if the English government refused to sign a regular treaty, it was from sentiments of delicacy and honour towards an ancient ally. Believing this to be an authentic copy of the treaty, and of the note of lord William Bentinck, he was bound, in justice to the House and himself, to substantiate, as far as he could, the assertions he had made. He was entitled to consider this as authentic, until it was properly contradicted on the part of government; but he believed the time would never arrive when the right hon. the Chancellor of the Exchequer, or his colleagues, would be able to disprove its authenticity. There was only one thing; with respect to which he was not positively certain, and that was, whether the assent on the part of lord Castlereagh was in writing or not. He had been told that it had been seen by many persons in writing; but the not being reduced to writing made not the smallest difference with respect to the manner in which this country was bound. Before he consented to vote any given sum of money, he should wish to know what were the engagements entered into on the part of the crown. Lord William Bentinck had also engaged the British government towards another state, where British troops were at present quartered. In a proclamation which he had taken the liberty of reading to the House last session, lord William Bentinck promised to the Genoese the restoration of their independence and of their ancient form of government; and instead of this promise being performed, that state was to be delivered up to the dominion of the king of Sardinia.

The *Chancellor of the Exchequer* said, that whatever degree of authenticity the papers

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cited by the hon. gentleman might be found to possess, it was clear from these papers themselves, that they had only a reference to a negotiation which was pending, and not to a treaty already concluded. The House would find, whenever an investigation into the subject took place, that the British government had fully acted up to every treaty which it had entered into. There was nothing in the treaty to prevent us from defending the possessions of our ancient ally, the king of Sicily. Sicily, as appeared from these papers, was the only impediment to entering into a written treaty with the king of Naples. He repeated, that whenever an investigation took place, the government of this country would be fully justified.

Mr. *Whitbread* said, the right hon. gentleman had either chosen to misrepresent the papers which he had read, or he had not heard them. The note of lord William Bentinck did not relate to a negotiation pending, but to a treaty concluded: it stated, that the English government entirely approved of the treaty concluded between the emperor of Austria and the king of Naples, and consented to the addition of territory therein stipulated, on condition of his immediately co-operating with the army of the allies.—[Go on, said the Chancellor of the Exchequer across the table.]—It stated, that if the British government refused to enter into a regular treaty, it was from sentiments of honour and delicacy towards an ancient ally. Was the right hon. gentleman so casuistical a moralist as to maintain, that there was any difference between the signing a treaty and a minister's pledging his honour in the extent to which the country was bound? It had been stated in parliament, that Buonaparté paid no regard to treaties, and that the word of an English minister would be taken in preference to the most solemn engagement from him; and was an English minister now to draw a difference between a treaty and a verbal engagement? If that which he had recited to the House was not a clear and positive engagement, there was none existing in the world.

The *Chancellor of the Exchequer* said, the note itself assigned a reason for refusing to enter into a treaty; and it never surely could be contended, that the faith of the country was so pledged, under such circumstances, as in the case of a regular treaty: but, at all events, when circum-



stances were fully known, it would turn out that this country had fully performed all its engagements.

Mr. *Horner* said, it was true there was no actual treaty signed; but in the same breath the minister of the country said, although he would not sign a treaty, he pledged his honour and the faith of the nation to the execution of his engagement. The honour of the country was as much given to Naples as if the most solemn treaty had been entered into. That there might be no doubt as to the nature of the engagement, there was a statement of it reduced to writing. If this was a genuine paper, and there could be now but little doubt of its authenticity, lord William Bentinck had, on the part of this country, fully acceded to the treaty between the emperor of Austria and the king of Naples. But there was an important consideration arising out of this business. It had been stated last night, on the part of government, in that House, that ministers possessed no information whatever of any accession on the part of lord William Bentinck or lord Castlereagh to the treaty between Austria and Naples. The denial was not so strong to day as that which they had heard yesterday. But, at all events, he hoped the House would not forget, that if there was any accession to this treaty on the part of this country, ministers were in utter ignorance of it: if there was any such thing, they were altogether strangers to it. With respect also to the order of Prince Repnin for the surrender of Saxony, they had no official information respecting it. It had been stated, that lord Castlereagh had given his sanction to this order. If so, the right hon. gentleman ought to have had official information of it. A secretary of state had, in this instance, been sent abroad, instead of one of the description of persons hitherto delegated. It would be extremely inconvenient to the House and his Majesty's ministers in general, if persons holding high ministerial offices should be sent abroad, who might not think fit to communicate regularly with the government at home, and thus keep his colleagues from being officially informed of such important proceedings as the accession on the part of this country to the treaty between Austria and Naples, and the order of prince Repnin for the transfer of Saxony to Prussia.

Mr. *Bathurst* conceived, that the present situation of affairs was such as to call for

the confidence of parliament in his Majesty's ministers. The hon. and learned gentleman who spoke last, had no right to assume that the noble lord now absent at Vienna, and who had been also abroad during the former negotiations, kept his colleagues in ignorance of the transactions in which he was concerned. He begged to state, that if lord Castlereagh had given his assent to the order of prince Repnin, that this did not relate to a transfer of Saxony to Prussia, but merely to a military occupation of that country, which was a very different thing. By that order, the military occupation was merely taken from the Russians and given to Prussia; but there was no annexation to Prussia, or any thing beyond what he had stated.

Mr. *Whitbread* was convinced the first information which gentlemen opposite had received of the treaty with the king of Naples, and the accession to it by this country, was that which he had given them himself.

Mr. *Tierney* wished ministers to have the goodness to state at once, that they had received no official account of lord Castlereagh's having sanctioned the military occupation of Saxony by Prussia. This important step had been taken without the knowledge of this country; nothing had been done to prevent it; and a measure by which the interests of our fellow creatures was so deeply affected, had not met with the smallest opposition.

Mr. *Bathurst* thought it would be extremely prejudicial to the interests of the country, if the time of the House were to be taken up with the proceedings of a negotiation which was still pending.

Mr. *Tierney* said, if the fact of the military occupation of Saxony by Prussia was admitted, was it unreasonable, in discussing whether they were to allow 75,000 men to government, to take it for granted that this military occupation was the result of the negotiation of the Congress?

Mr. *Ponsonby* said, that there was a necessity last session for not interfering with government during the important proceedings which were then taking place on the continent: but the state of things was very much changed, and bore no sort of similarity to the former. This country had become a party to the treaty of Chaumont, by which each of the four contracting powers bound themselves to keep up a corps of 75,000 men, for the purpose of arranging the interests of Europe, and in the language of the treaty, for

doing those things simultaneously. Now, if it was not denied that this order was a genuine instrument, and if it was one of the proceedings in carrying into execution the treaty of Chaumont, and if the treaty between Austria and Naples, acceded to by this country, could also not be denied, things were very different from what they were last year, when every thing remained secret till the time of performance. If the House were not allowed to ask one question, they would be placed in a most humiliating situation indeed. Was this country to pay a force for, the purpose of enabling the other powers, who were parties to the treaty of Chaumont, to execute their own views, without the House being allowed to ask ministers any questions upon the subject? He had no hesitation in saying, that the military occupation of Saxony by Prussia, was as violent and flagitious a measure as any of the measures of Buonaparté.

The conversation here ended.

MOTION RESPECTING SPANISH SUBJECTS SENT FROM GIBRALTAR TO CADIZ.] Mr. *Whitbread* rose, to bring forward his motion relative to certain persons who had taken refuge in the garrison of Gibraltar, and who had been most unnecessarily and most inhumanly given up, at the instigation of sir James Duff, by general Smith, to the government of Spain. He should not trespass long on the attention of the House. The act to which he was about to call the attention of the House, was, he conceived, altogether without justification. This was not a motion of course; matters could not rest there; and it must be followed up by other proceedings. Every body, he was sure, knew, and every body felt, that the whole conduct of Ferdinand the seventh was one display of the greatest folly and ingratitude which had ever been exhibited by any monarch to the eyes of mankind. During his stay at Valentia, a resolution was taken by him of getting rid of the cortes, thus removing the only obstacle to his rendering his despotism all powerful; and on the night between the 10th and 11th of May, those atrocious and scandalous arrests of the members of the cortes took place, which had excited such abhorrence throughout Europe. Some of the members were dragged from their homes to prison, others fled for refuge to different quarters of Spain, and several of them escaped from their pursuers to England. The Spanish government in their

nefarious designs were greatly assisted by the active vigilance of sir James Duff, the British resident at Cadiz, who had made himself busy in many other cases besides those which were before the House. The judges whom Ferdinand employed in carrying through his designs, were three persons, two of whom had been in opposition to the patriotic government of Spain at the commencement of the revolution, and the third had been distinguished for his violent opposition in the cortes to the measures of the persons who were now the victims of despotism. One of these three persons distinguished himself as an active agent of Buonaparté at Saragossa, in endeavouring to persuade the people there to submit to the usurper. Another of them, while the marquis of Matarosa, who came over to this country as a deputy from the Asturias, was endeavouring to excite the flame of patriotism in his native province, busied himself in endeavouring to frustrate that object. The third person, who has been constituted a judge against these unfortunate individuals, was the chief organ of the police of Joseph Buonaparté, at the time he resided in Madrid. Such were the persons who would have had to try the conde Torino, had he not fortunately escaped persecution. The conde Torino had nobly conducted himself in Spain against the invaders of his country; he had exposed his life and expended his fortune for the restoration of Ferdinand, who was now hunting him down like a wild beast. First he fled into Asturias; from thence he was chased into Portugal, and from Lisbon he was fortunate enough to take ship for England. The consequence of a dreadful state of anxiety for her son had produced, in the mean time, the death of his mother.

The charge against the persons who had been delivered up at Gibraltar was, that they had been engaged in writing seditious publications in the Journals; but the fact was, that they had never edited, written, or published a line in any of the newspapers of Spain. One of them was a retired officer, the friend of a person who had conducted a journal at Cadiz, in which were inserted some severe and unjust aspersions upon the English army under lord Lynedock at St. Sebastian's. The other individual had not been in the habit of mixing in politics: he was the author of a Hebrew grammar, and of a book entitled, "The Inquisition Un-

masked,"—that was his crime. [Hear, hear!] Upon these two persons who had fled to Gibraltar, sir James Duff made a report to general Smith, who delivered them to the agents of the Spanish government. One, Mr. Whitbread understood, was still in prison, but the other had been released. Their situation, while in their dungeons, was deplorable beyond belief. Ferdinand might have learnt to pity those in confinement from the imprisonment he had himself suffered, which was painful, though he was never deprived of the conveniences of life; but these two wretched persons had been cast into cells not longer than to hold a bed; all communication with their friends was prevented; the common air was excluded; for so refined was the cruelty practised, that the doors of their dungeons, which had been at first allowed to remain open, were afterwards closed. Such was the conduct of those who were the active ministers of Ferdinand! The right hon. the Chancellor of the Exchequer was misinformed when he told the House, on a former evening, that these persons were seditious; that they had been libellers of the British army, and that they were dangerous in the garrison of Gibraltar. He had also mentioned that there had existed between this country and Spain a sort of compact, that persons who had been guilty of very atrocious crimes should reciprocally be given up; and on inquiring into this subject, some other important facts, Mr. Whitbread said, had come to his knowledge, which had convinced him that persons in authority at Gibraltar, at various times, had lent themselves too much to forward the plans of the ruling powers of Spain.

Upon matters like these it became the House of Commons to express a decided opinion, that the world might know in what detestation it held such conduct. It was true, that, before the treaty of Amiens, there was an understanding with Spain, that all criminals, such as murderers, robbers, and deserters, should be mutually resigned, with the condition that the deserters should not be punished. In favour of some individuals, this agreement had not been strictly observed; for a baker at Cadiz, who had murdered a magistrate at his bench, and had then taken refuge in Gibraltar, was not given up on demand: in another instance, the count de Tilly was given up to the ruling party a few years ago, as well as some prisoners who had been taken in South America,

and had escaped from Ceuta to Gibraltar: in another case, between 300 and 400 peasants, who had sought protection, were put into the power of the existing authorities of Spain. All these acts were contrary to justice; and it might be almost said, that it was fortunate that the present complaint had originated, since it would lead to inquiry and reformation upon this important point. He could see nothing to excuse, or even to extenuate, the conduct of sir James Duff, making himself, as he did, the active instrument of the Spanish government. A most signal instance of misconduct was given on the sailing of a convoy for England; and in order to prevent the escape of a single Spaniard to this country, he issued orders, and summoning the captain of every vessel, compelled them to make oath that they had not a native of the country on board. So effectual were his measures, that only one man did escape, of the name of Estrada, who was now in Great Britain. This intelligence was obtained from the best authority: it was a fact which shewed that sir James Duff had acted in defiance of every principle of justice, in defiance of his own character, and of the character of the country he represented. [Hear, hear!] Upon the subject of the two persons whose case was now before the House, all that was known was, that to a question regarding them, put by a noble viscount (Morpeth) on the 22nd of July last, lord Castlereagh had denied the public authority upon which he was interrogated, and disclaimed any knowledge of the fact: yet, on the 24th of the same month, lord Bathurst had written to general Smith, the governor of Gibraltar, requiring explanation. He did not mean to contradict the noble lord (Castlereagh), but the interval between his denial and lord Bathurst's letter was certainly very short. And when the question was repeated to the right hon. the Chancellor of the Exchequer at the beginning of the present session, he had entirely forgotten the subject. Circumstances certainly bore the construction that some support or approbation had been given to these measures by ministers, but he hoped that they would satisfactorily explain their conduct. When the matter was before the House on the former day, another right hon. gentleman (Mr. Pole) had requested that in this case, if possible, the interference of parliament might be dispensed with; but although the House might not in this case

interfere for good, it was necessary to take care that the agents of government did not interfere for evil. Mr. Whitbread concluded with moving, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions, that there be laid before this House, copies of all communications made by the British consul at Cadiz to the officer commanding the fortress of Gibraltar on or about the month of May last, touching certain Spanish subjects supposed to have taken refuge in that garrison; together with an account of the proceedings of the officer in command at Gibraltar thereupon; and extracts from any correspondence between the said officer and his Majesty's government respecting the same."

The *Chancellor of the Exchequer* said, the hon. gentleman had, in the course of his speech, entered very largely into the conduct of the Spanish government. Now, as this country had nothing whatever to do with the internal affairs of Spain, he should make no observations on the remarks that related to them. This, however, he should state, that it would be grossly calumnious to suppose that the government of this country ever abetted any of those acts of oppression which the hon. gentleman had reprobated. Whatever they did was directly on the other side. They had always endeavoured to afford protection to the oppressed; they never had lent themselves to afflict the Spanish population. With respect to the transaction to which the hon. gentleman had called the attention of the House, he would not enter at any length into it, as all the circumstances with which it was connected might be examined without any detriment to the public service; for this purpose, government were ready to produce such copies and extracts of documents as would give the House full information on the subject. He knew that the feelings of the House were always deeply interested, wherever a complaint of oppression was made: nothing, he knew, was more natural for them than to be guided, on such occasions, by those principles of humanity and benevolence which formed a distinguishing trait in the British character; and therefore it was not surprising that the statement of the hon. gentleman had created a powerful sensation.

He should now, as briefly as possible, advert to the circumstances which had

given rise to the present motion. At the end of June last, lord Bathurst, for the first time, learned that certain Spanish refugees at Gibraltar had been given up. In consequence of which, his lordship, in the month of July, sent out a dispatch, cautioning the governor of that fortress, major general Smith, against any repetition of such conduct. [Here he begged leave to read an extract from his lordship's letter.] The letter was dated the 24th of July, and the part of it which referred to this transaction, set forth in substance— "That it had been stated to his lordship, that general Smith had given up certain Spanish subjects to the governor of Cadiz, without having consulted the British ambassador at Madrid on the propriety of the measure; the persons thus given up not having been guilty of murder, or of any other enormous offence. His lordship was unwilling, as the statement might have been exaggerated, to offer any comment upon it; but wished general Smith to forward to him any correspondence which might have taken place between him (the general) and the governor of Cadiz, or any other person, on the subject. And that he might not be hereafter misled by the urgency of similar representations, his lordship had the Prince Regent's commands to inform him, that he should not give up any person in future, without first having a communication with the British ambassador at Madrid." The dispatch was answered by general Smith, on the 31st of August, 1814, who wrote, "that he had the honour to acknowledge the receipt of his lordship's dispatch of the 24th of July; in answer to which he begged leave to state, that, on the 18th of May last, he received the two enclosed letters; the one from the governor of Cadiz, the other from sir James Duff." Here, said the right hon. gentleman, it would perhaps be the best mode to read the letters alluded to. That from the governor of Cadiz, was written in the Spanish style of hyperbole, and it would therefore be merely necessary to go through a part of it. This letter bore date the 16th of May, and stated in substance, "that the governor of Cadiz, possessing information that there were in that city certain turbulent persons, who, being moved by evil passions, endeavoured, by their writings and conversation, to inflame the public mind, had given orders for their arrest, but that they had succeeded in making their escape.



Amongst these was one Carrea, one Cabrera, one Puigblanc, and other similar characters. The governor, knowing their crimes and the punishments they deserved, hoped his excellency general Smith would see the necessity, should they take refuge in the fortress which he commanded, of delivering them up to the disposal of the governor-general, or else of sending them directly to Cadiz; by which means he would render an essential service both to his country and to the Spanish government." In consequence of this letter, the persons in question were given up; for it would be seen by the letter of sir James Duff, that he had advised the governor not to let them into Gibraltar, but did not call upon him to give them up to the Spanish government. The letter of sir James was dated on the same day with that of the governor of Cadiz, and was to the following effect:—"I have to acquaint your excellency, that the following persons have either left or are about to leave Cadiz. It is probable they will proceed to Gibraltar; should that be the case, you will do, with respect to them, what you judge best. The persons are, Cabrera, the author of several seditious publications; Don Antonio Puigblanc, author of "The Inquisition Unmasked"—[Hear, hear!] Lopez, the editor of the *Duende*, a paper which contained repeated calumnies against the British troops, and many other scurrilous libels; and Carrea, the author of various similar publications. It is probable that these persons may be followed by others of the same description."

The right hon. gentleman having gone through the inclosures, now proceeded with the remainder of general Smith's letter. It went on in substance thus: "A short time after the receipt of these letters, I heard that two persons had, by fictitious names, made their way into the garrison without my permission. In consequence, I gave orders for their immediate arrest. They were taken up in the course of a few hours, and they proved to be two of the persons described in the advices I had received. I then directed a letter to be sent to sir James Duff, apprizing him of the circumstance; and soon afterwards the Spanish governor wrote to me, demanding the persons arrested. They were, in consequence, given up. I now beg leave to explain my motives for so doing. In February last, I received a letter with a similar request as that con-

tained in the communication from the governor of Cadiz, in obedience to which certain persons were taken up. Having been but a few weeks in the command, and not knowing any reason for acting differently, I adhered to a practice which, as I understood, had been uniformly and reciprocally pursued by the two governments. These considerations will, I trust, satisfactorily account for my conduct towards the governor of Cadiz. The injunctions contained in your lordship's letter shall be strictly complied with."—With respect, continued the right hon. gentleman, to the other transaction mentioned in general Smith's letter, government, on hearing it, immediately ordered an application to be made to the Spanish court, and the parties were in consequence liberated.

Mr. Whitbread. When was this?

The *Chancellor of the Exchequer* answered, in the month of August last, soon after lord Bathurst had sent out the instructions to general Smith. As far, therefore, as the government at home were concerned, he hoped the House would see, by lord Bathurst's letter, that they had acted with propriety; and, as far as the circumstances permitted them to interfere, had prevented the Spanish court from acting contrary to the law of nations. With respect to the conduct of general Smith, he did not mean to justify it; but the error was one which very naturally arose from the state of the general practice that prevailed, and from the caution with which the affairs of the garrison were administered. Even in time of peace, if a foreigner arrived at Gibraltar, he was obliged to go to a particular office to procure a permit, enabling him to remain there; and persons taken up without such permission, became subject to military examination; and if nothing appeared against them, were ordered to depart in peace. He admitted, that general Smith should have permitted those Spaniards to depart in peace; and, in not doing so, he had acted erroneously. He thought the House would hardly be of opinion, that, in the garrison of Gibraltar, they ought to receive persons who were suspected by their own government. Surely, if the isle of Wight were in possession of another power, the governor would not be permitted to make it a depôt for all persons who were obnoxious to this government. The recurrence of any circumstance like that complained of by the hon. member could

not take place in future. With respect to all the other points of the case, the House would have a distinct and deliberate opportunity of examining them when the papers were printed; and therefore he thought he should be acting wrong, if he went into any farther statement. He had done enough to shew, that no act of oppression took place with the concurrence of this government; and that they lost no time, when the occurrence came to their knowledge, to apply a remedy which would prevent such a transaction in future. The right hon. gentleman concluded by expressing his acquiescence in the motion, provided the word 'copies' was altered to 'extracts.'

Sir *John Newport* inveighed strongly against the conduct of sir *James Duff*. No man, he said, deserved the name, much less the character of Briton, who could lend himself to such abominable proceedings. General *Smith* might have been betrayed into error; but sir *James Duff* could plead no such excuse. What defence did he offer? That, when the murderer was pursuing his victims, he had only ordered the door to be shut against them! No proposition was ever so monstrous as that advocated by the right hon. gentleman, that, when individuals were prosecuted by their government, no refuge was to be afforded them. Such a principle might suit the policy of *Ferdinand*, but was utterly unworthy of a free government.

Mr. *Wellesley Pole* observed, that there was scarcely a syllable uttered by the hon. gentleman in making the present motion, in which he did not agree. The hon. gentleman could not feel more deeply for the sufferings of the persons who had been given up, than his Majesty's ministers did; who, the moment they heard of the circumstance, took every method to prevent the recurrence of such an event. He would not have said a word on the present occasion, if it were not for what fell from him on a former night, in answer to what was observed by the hon. member, who seemed to think that his Majesty's ministers were privy, or rather friendly, to what had been done by king *Ferdinand* since his return from captivity. He wished on that occasion to give this insinuation the most decided negative the English language could afford. He had himself passed ten days at *Madrid*, since the return of *Ferdinand*; and was pretty well acquainted with the state of affairs in

that country. But he owned his astonishment was such, when he heard the suggestion, that he began to fear there was some lurking reason on which it was founded. He had, however, that day examined very minutely the whole of the correspondence of the British ministers at the court of *Madrid*, from the time of his first meeting *Ferdinand* at *Valencia*, up to the period when that monarch revived the *Inquisition*; and he could assure the House, that not one opportunity had been avoided of setting his face against every act that was directed against the liberties of the people. There was nothing in the shape of representation or entreaty which the ambassador had not employed on such topics, nor would he ever act otherwise. Was it to be supposed that the person who had been on the spot throughout the whole contest, who had traversed the country, and seen the exertions of the people to expel their invaders; who had stimulated, encouraged, and gloried in those exertions, and who had the same blood in his veins as the conqueror who had led that people to victory; was it to be supposed that he, who had been so active in putting down the tyranny of *Buonaparté*, would lend his connivance to establish an almost equally iniquitous and horrible despotism? So far from this, he would assert, that even if it were possible that he could have been desired to abet any such repugnant measures, he would have resigned his situation sooner than have complied with such instructions.

Mr. *Whitbread* said, he had heard with great pleasure the consoling assurances given by gentlemen on the opposite side of the House. He was not surprised at the energy displayed by the last speaker; but no imputation had been thrown upon the conduct of his illustrious relation, who, it appeared, had done all in his power to stop the progress of the system of tyranny that was now re-establishing in *Spain*. It was necessary for him, however, to remark upon what had fallen from the right hon. the Chancellor of the Exchequer, which was an abomination to the House of Commons. He had contended, that persons were still to be given up at *Gibraltar*—that they were not entitled to the protection of Great Britain; if so, why was not the conde *Torino* delivered over to his implacable enemies? He had no more claim upon British protection here, than the other individuals had upon British

protection at Gibraltar. All persons were not given up: the brother of the dey of Algiers, who was charged with treason, murder, and other crimes, was protected; and other exceptions might be produced. The unfortunate individuals, one of whom had committed no offence, and the other written a book against the horrible Inquisition, were to be put into the hands of these merciless tormentors; they were to be consigned to dungeons, like the unfortunate Valdez and the patriot Arguelles. The disposition of the present government of Spain was almost diabolical: their tyranny was the tyranny of Buonaparté sublimed—sublimed by folly. A tribunal was established at Barcelona, to judge all persons who even spoke upon the affairs of Spain; the sentence was to be executed in twenty-four hours after it was pronounced, while the poor sufferer was imposed upon by the mockery of an appeal to the king at Madrid, a distance that could not be traversed in the time allowed between the pronouncing and execution of the sentence. Was not this enough to raise an insurrection throughout the whole country? Could such a government stand? Impossible! Insurgents would arm themselves in every province; and God assist and protect their sacred cause! God grant that they may destroy this hateful tyranny, and punish such base ingratitude! The tyranny of Buonaparté was justice and mildness compared with that of Ferdinand. Had this gallant nation for six years fought and bled to be thus rewarded? He concluded by calling upon ministers to make further inquiries into the conduct of sir James Duff, with regard to the transaction that was the object of his motion.

The *Chancellor of the Exchequer* found that the hon. gentleman understood what he had stated in so extraordinary a manner that it was necessary he should give some further explanation. The House must feel the importance of such a place as Gibraltar. The possession of that fortress, on the territory of another power, could not fail, even in time of peace, to be an eyesore to that power. It required the greatest management on the part of its government to avoid giving any cause of offence, where offence was so likely to be taken. He did not mean to say that persons not criminal should be given up, but he thought it most necessary that the government of Gibraltar should maintain the strictest police, and should abstain as much as

possible from uselessly offending that of Spain. As to sir James Duff's supposed conduct, he said nothing, because he knew nothing, and he hoped the hon. gentleman had not ventured on slight information to make his charges on the conduct of that gentleman.

Mr. *Whitbread* only wished the right hon. gentleman should inform himself on the subject.

The question was then put, and carried.

FALSE WEIGHTS AND MEASURES.] Mr. *Whitbread* said, that from some omission in the present acts of parliament which enabled magistrates to search for defective weights and balances, they were left without power to inflict penalties on persons possessing defective measures. His object in rising was to move for leave to bring in a Bill for supplying this defect. In the last session, an hon. member moved for a committee to consider, in a more extended manner, the subject of weights and measures; and the report went into all the branches of the subject, and pointed out a mode of reducing weights and measures to a state of simplicity. The Bill which he intended to introduce, would not at all interfere with any more extensive measure which might be taken in consequence of that report, since it would be applicable under all circumstances. Mr. *Whitbread* then moved, "That the Acts 35 Geo. 3, c. 102, and 37 Geo. 3, c. 143, for the more effectual prevention of the use of defective weights, and of false and unequal balances, might be read;" and the same being read, he next moved, "That leave be given to bring in a Bill to extend the provisions of the said Acts to false measures."

Colonel *Wood* did not rise to oppose the motion; he wished only to say, that the part of the country which he represented felt highly interested in having the report of the committee on weights and measures carried into execution, as they experienced many inconveniencies from the difference existing in various places in the regulations respecting those objects. He hoped the session would not pass without some measure being proposed on the subject.

Mr. *Davies Giddy* assured the House, that it was the intention of the members of the committee to pursue the recommendation of the report. Considerable progress had already been made, and in the course of the present session he had

no doubt but a satisfactory measure would be proposed on the subject.

Leave was given to bring in a Bill.

**HELLESTON ELECTION BILL.]** Mr. Swan rose, for the purpose of moving for leave to bring in a Bill "for preventing corrupt and illegal practices, and securing the freedom and purity of election, in the borough of Helleston." The hon. gentleman observed, that the necessity for the measure was founded on the report of a committee of that House made in a former session, and the Bill which he intended to introduce was similar to one which had already been before them.

Mr. D. Giddy hoped the hon. gentleman would not press the second reading of the Bill, the provisions of which were not the same with that formerly submitted to them, until after Christmas.

Mr. Grenfell understood the hon. mover to say, that they were precisely similar.

Mr. Swan said, the former bill had been thrown out in the Lords, in consequence of an objection made to the preamble. The present Bill, except that this error was removed, was exactly the same as that of last session; therefore he could see no reason for delay.

Leave was given to bring in the Bill.

**IRISH GLASS DUTIES BILL.]** On the motion for the Speaker leaving the chair, in order that the House might go into a committee on the Irish Glass Bill,

Mr. J. P. Grant made some remarks on the novelty of subjecting to excise in Ireland an article not of Irish manufacture, and on the hard situation in which those merchants would be placed by the present Bill, who had imported glass under the encouragement of the former Acts, after having incurred, by freight, breakage, &c. 75 per cent. loss on their goods. He also objected to the clause which forbade glass to be re-exported from Ireland, except in the original packages, with the excise seals unbroken, since the goods could not have remained in the original packages except in a contemplation of a change of system.

Mr. Fitzgerald thought it was not necessary strictly to attend to the interest of the glass importers, who had created a monopoly in the Irish market, and who had bought up for that purpose the only glass manufactory in Ireland. Far from suffering a loss, the exporters of glass to Ireland had a drawback exceeding by 15s.

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9d. the sum paid by them as duty; and who charged the people of Ireland 7l. for the articles which cost them 2l. The proprietors of glass in Ireland, though of course unwilling to give up their great profits, were not otherwise dissatisfied with the Bill.

After some further conversation, the House resolved into the committee, and the Report was ordered to be brought up to-morrow.

## HOUSE OF LORDS.

Wednesday, November 23.

**LORD WALSHINGHAM.]** The Earl of Liverpool brought down a Message from his royal highness the Prince Regent, in the name and behalf of his Majesty, stating that his Royal Highness, taking into consideration the industry, the integrity, the impartiality, and the indefatigable zeal with which lord Walsingham had, for upwards of twenty years, discharged the duties of chairman of the committees of the House of Lords, as well as of the private committees, and lamenting that bodily infirmity prevented his lordship from continuing in that situation, recommended the House of Lords to concur with the other House of Parliament in enabling his Royal Highness to grant lord Walsingham an annuity of 2,000l. On the motion of the noble earl, his Royal Highness's Message was ordered to be taken into consideration to-morrow.

## HOUSE OF COMMONS.

Wednesday, November 23.

**PETITION OF MR. LOVELL, THE PROPRIETOR OF "THE STATESMAN."] Mr. Whitbread** said, he had a Petition to present to the House from Mr. Daniel Lovell, the proprietor of the Statesman newspaper, who had been confined for three years and a half in Newgate. The period for which he was sentenced to be imprisoned had expired some months ago; but he was still in confinement, and was likely to continue so for life, unless the mercy of the crown were extended to him, as he had no means of paying the fine of 500l. which had been imposed upon him, nor of procuring the securities required for his future good behaviour. The Petition was then brought up, and read, as follows:

"To the Honourable and Right Honourable the Commons of the United Kingdom in Parliament assembled:—The Petition

( 2 G )



of Daniel Lovell, a prisoner in Newgate,

"Humbly sheweth,

"That your petitioner, who is the proprietor and publisher of the Statesman newspaper, has suffered an imprisonment in his Majesty's gaol of Newgate of four years, in consequence of convictions and sentences upon three prosecutions, under *ex-officio* informations, filed by his Majesty's Attorney-General, for offences arising out of the following causes, which your petitioner begs to state to your honourable House :

"That the first prosecution was for copying literally from a morning paper, called The Day, and publishing in the Statesman of the 9th of April, 1810, an account of the tumults in Piccadilly, at the time when sir Francis Boddett was, by the warrant of the Speaker of your honourable House, ordered to be committed to the Tower :

"That your petitioner entered a plea of Not Guilty, under an impression that he had not offended the laws of his country, by the insertion of an article of intelligence relating to the conduct of the military upon that occasion, and which was reported to be true : your petitioner had received several letters corroborating such a report, and would have produced evidence to that effect, had he not been informed by Mr. Harry Phillips, one of the proprietors and chief manager of The Day newspaper, the original source of the article in question, that he had reason to believe, from his own private information, that the prosecution would not be pushed to an extremity ; in consequence of which, he had advised the solicitor to suffer judgment by default against the printer and publisher of The Day :

"That your petitioner, therefore, relying on this information, was induced to withdraw his plea, and suffer judgment to go by default :

"That your petitioner was called up for judgment, together with the printer and publisher of The Day, and they were all sentenced to twelve months imprisonment in Newgate :

"That the editor of The Day was also prosecuted for the same offence ; but, when called up for judgment, he declared, that the political principles of the paper were changed, and had become ministerial, and that he (Mr. Roche) had never approved of the opposite line of politics exposed by the paper, and therefore he

hoped the court would be lenient in passing judgment upon him. The sentence on Mr. Roche was, that he should be confined nine months in the King's-bench prison :

"That the second prosecution was for publishing in The Statesman, of the 17th May, 1810, an advertisement, which had previously appeared in two Manchester papers, charging the commissioners of taxes, for the township of Salford, with employing unnecessary rigour in the exercise of their duty towards one individual :

"That your petitioner entered a plea of Not Guilty of any intentional offence, and intended to take his trial for the alleged libel, when your petitioner was informed, that the prosecution commenced against the proprietors of the two Manchester papers had been discontinued, or never was intended to be further carried on against them, they having made an apology to the commissioners, which had been deemed satisfactory ; and that your petitioner was advised by Mr. Wm. Cowdroy, one of the persons prosecuted, to follow his example, under a persuasion that it would be accepted by the commissioners :

"That your petitioner, conceiving that a manifestation on his part of publicly evincing an earnest desire to do justice to all parties, would have weight with the commissioners in petitioner's favour, accordingly withdrew the plea, and suffered judgment to go by default, casting himself upon the lenity of the commissioners, to whom he dispatched a messenger, for the express purpose of delivering a letter, addressed to Mr. Otho Hulme, one of the said commissioners, containing an apology, and offering to make a public atonement, if required ; and that your petitioner was informed by his agent, that the said Mr. Otho Hulme had expressed himself perfectly satisfied with such apology, and should endeavour to prevail upon his colleagues to accept the same, and stop the prosecution :

"That your petitioner did, in a few days afterwards, receive another letter from his agent in Manchester, stating that he had waited upon Mr. Otho Hulme again by appointment, and had received for answer, that he, Mr. Hulme, had not been able to prevail upon his colleagues to accept the apology proposed ; but, on the contrary, that they were resolved to let the law take its course :

"That your petitioner did accordingly

receive notice to appear for judgment, when the court sentenced him to twelve months' imprisonment in Newgate:

"That the proprietors of the two Manchester papers were not called up for judgment, nor has any sentence been since passed upon them for the same offence, although they were the first to publish the said advertisement:

"That the third prosecution was for the publication of a letter in *The Statesman*, of the 19th of March, 1812, charging the commissioners of the Transport Board with misconduct towards the French prisoners of war in England:

"That the said letter was published without the knowledge and consent of your petitioner, as proved by the affidavits of the editor and printer, who then had the management of the paper, and which was corroborated by petitioner's own affidavit:

"That your petitioner made several apologies, both of a public and private nature, to the honourable commissioners of the Transport Board, under a firm persuasion that such apologies, as they were calculated to satisfy the public mind, of the incorrectness of any unfavourable misrepresentation which petitioner had unintentionally been made the instrument of propagating, would, at least, have been received in mitigation of punishment, under the peculiar circumstances in which your petitioner was placed by his confinement in Newgate, which had subjected him to the responsibility of the insertion of the offensive article, over which, at the time, he had no control:

"That your petitioner suffered judgment by default, and was called up to receive the sentence of the court, which was, that your petitioner should be confined 18 months in his Majesty's gaol of Newgate, and pay a fine to the King of 500*l.*, and to find two sureties in the amount of 500*l.* each, and himself in 1,000*l.* to be of good behaviour for three years:

"That the term of your petitioner's adjudged imprisonment expired on the 26th of May last, since which period your petitioner has been confined on account of his inability to pay the fine, and give the sureties required:

"That your petitioner is greatly embarrassed in his circumstances, owing to the heavy losses occasioned by the long period of confinement, which has prevented him from superintending, in person,

his own concerns, and subjected him to a numerous train of equally distressing privations and afflictions:

"That your petitioner has laboured for some time past under severe attacks of an asthmatic and pulmonary complaint, which have been greatly increased by his long imprisonment, and the health of your petitioner in other respects is much impaired; all of which allegations petitioner is prepared to prove, by evidence, if required, at the bar of your honourable House:

"That your petitioner having thus presumed to submit his case to the attention of your honourable House, confidently relies on its justice and humanity to afford him that relief which to its wisdom shall seem fit; and your petitioner, as in duty bound, will ever pray."

Mr. *Whitbread*, in moving that this Petition should lie on the table, which was the only motion he at this time intended to make, could not help calling the attention of the House to the extreme hardship of the petitioner's case. He thought there was no man (however anxious he might feel that the offence of libel should be severely punished), who would not think imprisonment for the long period of three years and a half, and that extended, by inability to pay the fine, to nearly four years, was a sufficient expiation for almost any libel, however atrocious. In two instances, the articles which the petitioner had published were copied from other newspapers; and, in one instance, a strange partiality appeared on the face of the proceedings. An article copied from a Manchester paper had brought severe punishment on Mr. Lovell, while the original author and editor of it had not been called up for judgment, on their doing what Mr. Lovell had done, offering an apology, and suffering judgment to go by default. In the third instance in which he had been prosecuted, he stated himself never to have seen the libel for which he was tried till after it was published, having been inserted without his knowledge, while he, from being in confinement, was unable to superintend his publication. But notwithstanding this, after suffering a two years imprisonment, Mr. Lovell had been called up for judgment, and sentenced to be further imprisoned one year and a half, to pay a fine of 500*l.* to the King, and to find securities for keeping the peace for three years, himself to be bound in 1,000*l.* and two other persons in

500*l.* each. He was aware that that House was not the place to which a person in Mr. Lovell's situation should apply, in the first instance, for remission of punishment, as it was not in their power to grant it; but he had to inform them, that this unfortunate person had made an application to the Secretary of State, at a time when his health was so impaired that his life was in danger; but though this was certified by a physician in the regular way, lord Sidmouth, under all the circumstances of the case, had declined to interfere. He had then submitted a petition to the lords of the Treasury; but this, after a lapse of many weeks, remained unanswered. Having stated these circumstances, it was for the advisers of the crown to consider if the case of Mr. Lovell was not one in which they would do well to recommend an extension of the royal clemency—to remit the fine, and dispense with the required securities. He knew this person was still the proprietor of a newspaper, and therefore it might be urged that it was in his power to pay the 500*l.* But he had made inquiries on this head, and Mr. Lovell had declared, that if he possessed the money, or could by any means procure such a sum, at his time of life, and after the confinement he had endured, he would part with his last shilling to get restored to that liberty of which he had been deprived so long, and which, from the injury his health had sustained, he could not, in all probability, enjoy for a very extended period. In a letter to him, Mr. Lovell had made such an exposure of his circumstances (it might not be fitting that he should read this letter), that to him it appeared he remained in prison, not from unwillingness, but from absolute inability to pay the fine. Mr. Whitbread said, he had now done his duty to the unfortunate petitioner and to the public, in bringing this subject under the consideration of the House. It was for the legal advisers of the crown to consider whether this was not an occasion on which they could recommend the extension of that mercy which he thought the case imperiously demanded.

The *Attorney General* observed, that it must always be a painful task to say any thing that might indispose the House to an indulgent consideration of any petition. It was not for him, holding the office he did, to suggest advice in cases of this description, before it should be required. There were two or three of the hon. gen-

tleman's statements which he wished merely to correct, and to shew, in point of fact, what the reasons were which had restrained the exercise of mercy in this case. The hon. gentleman had spoken of the imprisonment of Mr. Lovell for three years and a half, in such a manner, that those who had not carefully attended to the whole of his speech, might so far misunderstand him, as to suppose that this sentence had followed one conviction.

Mr. *Whitbread* complained of this statement, as he had enumerated the several offences for which Mr. Lovell had been punished.

The *Attorney General* knew he had done this, and that those who had carefully attended to the whole of his speech could not fall into the error; but still the manner in which he had treated the subject was such, that by some he might be misunderstood on this point. Mr. Lovell was convicted of a libel in 1807, and sentenced to be imprisoned in the King's-bench; yet after this he had been convicted a second, and a third, and a fourth time, of a similar offence. [It was here observed, that Mr. Lovell had been tried but three times.] The hon. and learned gentleman repeated, that four convictions had taken place. He had been convicted of a libel in Trinity Term 1807, and sentenced to pay a fine of 50*l.* and be committed to the custody of the marshal of the King's-bench for one calendar month, and to give security for keeping the peace for the next three years, himself in 500*l.* and two securities in 250*l.* each. While under these recognizances, in Easter Term 1810, he had been convicted of a libel on the commissioners of the Property Tax. The hon. gentleman had said, there was a strange partiality displayed in respect to the original editor and author for which Mr. Lovell had been punished. He would explain the circumstances alluded to. It was true that the editor of the Manchester paper had not been punished: on being called upon by the commissioners, he had given up the author of the article, and made such an apology as was deemed by them satisfactory. The *Attorney General* of that day (he himself had not the honour then to be in office), had no object but to protect the commissioners, and, so that they were satisfied, did not consider it his duty to proceed against all who had been in any way concerned in the publication of the libel. But the hon. gentleman was misinformed with respect to the au-

thor. He was prosecuted, and had been punished. In the case of Mr. Lovell, his apology (if he made any) was not satisfactory to the commissioners, and they had called upon the crown to proceed against him. He was then sentenced to twelve months imprisonment, and ordered again to give security for three years, himself in 500*l.* and two others in 250*l.* each. The next libel for which he was punished, was one reflecting on the conduct of the troops employed in Piccadilly, at the time an hon. baronet was committed by that House to the Tower. Of the publication of this libel, it was said Mr. Lovell knew nothing till it had gone forth to the world. This, it was well known, could not in law remove from him that responsibility which attached to him as proprietor and publisher of a newspaper, which, while he was in confinement, was thus made the vehicle of calumny, from which he derived a profit. In the Michaelmas Term, 1812, Mr. Lovell was proceeded against for a paper on the subject of the treatment of prisoners of war in this country. A more mischievous and flagitious libel than this—one more likely to produce dangerous consequences to our fellow countrymen, then prisoners of war in France, could not be imagined. He was not there to justify the judgments passed on Mr. Lovell; those from whom they proceeded needed not vindication from him, as it was universally known, that justice tempered with mercy uniformly attend their decisions; but he would say, such a libel could not lightly be passed over. For that he had been sentenced to be imprisoned one year and a half, to pay a fine of 500*l.* to the King, and to give security for his future good behaviour, himself in 1,000*l.* and two others in 500*l.* each. With respect to the circumstances of Mr. Lovell, he, on inquiry, had found he still possessed the property of the Statesman. This was a profitable concern (he spoke of newspapers generally); and not only was Mr. Lovell able to conduct this paper while in prison, but he had set up a new weekly one, called 'The Constitution.' Yet possessing these, he stated himself unable to pay the fine. He (the Attorney General) submitted, that where a person was unable to pay the fine imposed upon him, and had remained in prison beyond the period named in his sentence, it might become the duty of the advisers of the crown to say, "the time is now arrived when the clemency of the crown

may be properly displayed." But, in the case of this individual, it had been seen that repeated sentences had had no effect on his conduct. He had still the means of circulating his libels in his hands, which he had retained during the whole period of his confinement in Newgate. He could not give securities for his future good conduct. These were called for, not to punish him, but to protect the public peace; and they were now told by Mr. Lovell himself, that no two persons would come forward to answer for him. Under these circumstances, if he were called upon by the crown for his advice, he must of necessity state, that the court in the case of this individual had found that a lenient punishment had not the effect of imposing any salutary restraint on his conduct, and severity had been found necessary. Wishing, as he sincerely did, that the punishment of every one should be as lenient as possible, consistently with the public security, there was a great difficulty in recommending it to the crown, to give up those securities which the supreme court of judicature had considered indispensably necessary; and necessary from the circumstance of former punishments having failed to impose a proper restraint on this individual. These considerations threw difficulties in the way of giving that advice to the crown which the hon. gentleman wished to be given. He, for one, should be glad if they could be satisfactorily removed.

Mr. *Anthony Browne* could not help saying, that the observations of the hon. and learned gentleman were such as would have done him more credit delivered to a tribunal, before passing of sentence, than in that House, in answer to an application for mercy at the end of nearly four years imprisonment. It was almost impossible not to suppose that the sentence in this case must have appeared extravagantly severe by the court who inflicted it. What offence was there on earth for which a three years and a half lingering imprisonment was not a sufficient expiation? What human transgression was there which could merit a severer treatment? A sentence of death was mercy when compared with it. But what was the offence for which this severe punishment had been awarded? It was one which unavoidably grew out of a free government. The freedom of discussion, without which no country could be free, made it frequently a difficult matter to avoid the commission



of what was termed a libel. The laws on the subject of libel were of such a nature that they were frequently 'more honoured in the breach than the observance.' But, whatever might be the policy of the law, the imprisonment in this case had already continued beyond even the long term of the sentence; and the question now was, whether a period should not at last be put to the sufferings of this unfortunate man. He hoped that at some future period of the session, if a period were not put to his imprisonment, the subject would again be brought before the House, and that his hon. friend would not relax in his efforts.

Sir *Gilbert Heathcote* said, the hon. gentleman opposite would do well to take this case under consideration, and recommend a compliance with the prayer of the petition. It was not usual for the House to interfere with the sentences of judicial tribunals, but it was authorised in doing so when there was an appearance of unnecessary rigour or injustice. This interference was not at present craved—a petition for mercy, on the plea of long and extraordinary suffering, was what called for attention, as no other means for the attainment of relief had proved effectual; and all that the House had to do was merely to give expression to their wishes, and these he thought should be in favour of the petitioner. Mr. Lovell's case was confessed to be a hard one; he might deserve the name of a turbulent man, but that was matter of opinion. He himself, he suspected, was considered by the gentlemen opposite rather a turbulent person; and so perhaps might all the gentlemen on his side of the House; but that was only matter of opinion with the other side. There was, however, too great a disposition with these gentlemen to consider all who differed in opinion with them of a turbulent cast; but the exercise of authority in suppression of political sentiments, or relating to any thing connected with the preservation of the rights of men, was not to be silently regarded. He could not but deprecate the way in which those who were held to be guilty of libels were punished. There were some species of punishments awarded to persons pronounced offenders in this particular, which certainly were worse than death. For in many cases, these persons, who were generally men of education, were treated as the worst of felons, and made companions of the most dissolute and reprobate criminals; nay, they were often made to suffer an

addition of punishment, which was never contemplated, as gaolers sometimes thought it meritorious to add every severity in their power to the sentence of the law. He did not mean to say that this was the case in the instance of the present petitioner, but he knew of such cases of hardship. The hon. baronet mentioned the cases of Mr. Cobbett being at first put among the felons in Newgate, and that of Mr. Finerty's treatment at the castle of Lincoln. This place, from its comparative extent and advantage of situation, was fixed on as one where the prisoner might naturally expect to enjoy as great comforts as were compatible with his imprisonment; but what was intended as mercy to the prisoner, was, through the rigour of the gaoler and the interference of tyrannical magistrates, converted into a punishment infinitely beyond what was in the contemplation of the Judge at the time when the sentence was passed. To this fact he could speak from his acquaintance with that part of the country. He had no difficulty in saying, that endeavours were but too often used to render the situation of persons suffering for libel as uncomfortable as possible; and that too often there was a rigour extended beyond the law. He thought that government would do well to apportion a part of the immense resources they had at their disposal, to the erection of a prison, to which persons confined for libel might be sent, instead of being mingled with the common herd of vile and wretched malefactors. With respect to the petition now presented by his hon. friend, he should not attempt to injure its merits by any observations of his own, but should be satisfied with earnestly recommending it to the consideration of ministers.

Mr. Alderman *Atkins* observed, that the hon. baronet had made a mistake when he stated Mr. Cobbett to have been classed among the felons in Newgate. Mr. Cobbett had carried on the publication of his paper during the whole period of his confinement, and had shared in all the indulgences which were ever allowed to other persons in his situation. In the course of his duty as a magistrate, he had visited the room in which Mr. Lovell was confined; and he believed, from other particulars which had come within his knowledge, he could speak to the petitioner's situation. From all that he perceived or could learn regarding Mr. Lovell's affairs, he was convinced he was unable to pay

the fine inflicted upon him. He was certainly not living in affluence, he had nothing but articles of common necessity about him, and his circumstances, he was persuaded, were those of a distressed person, which was not surprising at the end of four years confinement. From the conversation which he had had with Mr. Lovell, he was firmly of opinion that, were it in his (the petitioner's) power to raise the fine, he would readily lay it down to procure his liberation; and that being the case, he was of opinion that the sentence ought to be mitigated. He believed Mr. Lovell was not looked upon by those who knew him, as so dangerous a character as that he could not procure some sort of security for his good behaviour. Let his Majesty's government remit the fine, and content themselves with security to the extent of 200*l.*, and it would, he had no doubt, be obtained. He had seen several letters in the possession of Mr. Lovell, in which the writers, highly to their honour, offered to raise the money requisite to pay his fine by subscription, on receiving an assurance that he would abstain from offences of a libellous nature in future. He was well assured that it was not in his power, except by a subscription of that sort, ever to regain his liberty. He should hope that this would induce his Majesty's government to mitigate the punishment by remitting the fine, when they considered too that he had already suffered an additional imprisonment of five or six months.

Mr. *Ponsonby* observed, that all judicial characters concurred in the doctrine of the Bill of Rights, that excessive fines ought not to be inflicted. If reference were made to the court previous to the promulgation of its sentence, of the inability of the party to meet a pecuniary mulct, the court were bound to forego that part of the sentence. It was generally agreed, that the present petitioner was suffering under the infliction of an excessive fine, which he was wholly unable to pay; he had already suffered five or six months beyond the expiration of a long imprisonment inflicted by the court. With respect to the sureties, there was nothing in which a court should be more particularly careful. If it inflicted a demand beyond the capability of the party, it became guilty of a positive hardship; and in the present case, both the fine and sureties were of that description, as far as the statements went; and if those were not

wholly discredited, the petitioner was obviously entitled to merciful consideration.

Mr. *Bathurst* thought the only consideration necessary to be attended to in the case of such a determined libeller as Mr. Lovell was, whether the time of his imprisonment since that prescribed by the sentence, was such as to be deemed sufficient to countervail the quantum of punishment intended by the fine. But the fine was the least consideration in this petitioner's case. If he could not find securities for his good behaviour, to remit the fine was useless; and what must be the character of a man in Mr. Lovell's situation in life, who could not find two persons to answer for his future conduct?

Mr. *Whitbread* shortly replied. He believed Mr. Lovell could not pay the fine, and that if his imprisonment were continued much longer, it would be likely to terminate in his death. He again expressed an anxious hope that mercy would be extended to him. In moving that the Petition should lie on the table, it was his hope that there it would continue to lie, and that its prayer would be attended to.

The Petition was ordered to lie on the table.

PRINCE REGENT'S MESSAGE RESPECTING LORD WALSLINGHAM.] The Chancellor of the Exchequer presented the following Message from the Prince Regent:—

“GEORGE, P. R.

“The Prince Regent, acting in the name and on the behalf of his Majesty, having taken into his serious consideration the ability, integrity, impartiality, and indefatigable industry with which the lord Walsingham has discharged the weighty and important duties of chairman of the committees of the House of Lords, and of the private committees of the same, for these twenty years last past, and regretting the misfortune of his lordship's inability from infirmity any longer to execute the duties of that important office, recommends to the House of Commons to enable him to grant to the lord Walsingham an annuity of two thousand pounds.”

Ordered to be taken into consideration to-morrow.

COURT-MARTIAL ON COLONEL QUENTIN.] Mr. *Tierney* rose, and spoke as follows:—The House need not be informed,

Sir, that yesterday a notice was given of a renewed discussion relative to the proceedings of the Court-martial on colonel Quentin, and the conduct of government towards the officers of the 10th regiment of light dragoons. I was not aware, at that time, that I was at all implicated by the paper to which the hon. colonel alluded; but when it was afterwards put into my hands, I found that my conduct had been called into question to the full as much as that of the hon. colonel. So far I differ from him upon this occasion, that I think the sooner that paper\* is no-

ticed the better; and for that purpose I beg leave to call the attention of the House to a subject on which, considering the part I have taken, it may naturally be supposed that my feelings are very much alive. It is a paper of which I do not mean to complain, in the harsh sense of the word. I know that all public men are liable to animadversion; and had it purported to be the opinion of the editor of *The Courier*, the journal in which it was published, I should not have troubled the House upon this occasion; but the document is given as *from authority*, and

\* The following is a Copy of the Article in the *Courier*, above referred to :

"With regard to the letter which had been transmitted to his Royal Highness in the first instance, he (colonel Palmer) begged to state, that it had been procured by colonel Quentin on false pretences, and delivered to the Prince Regent by him, as colonel Palmer had been informed by his Royal Highness himself.

"He had become the prosecutor not only by order of the commander in chief, but of the Prince Regent himself. He had never so far committed himself, as he was aware, as to render it necessary.

"In the same paper, Mr. Tierney is made to say, that 'colonel Quentin applied to the officers at the mess, demanding, as he stated, by the authority of the Regent, that the letter should be delivered to him; but this demand was not complied with; and upon reference to the Regent, it was found that no such authority had been given to him. That on a subsequent audience, the Regent demanded this letter from colonel Palmer, and it was accordingly surrendered to his Royal Highness, through whom it found its way to the Horse Guards and colonel Quentin.'

"And Mr. Tierney is also made to say, 'That colonel Robarts, for the gallantry and good conduct of the regiment under his auspices, while subject to the inspection of the duke of Wellington, had been raised to the rank of lieutenant-colonel, from his station of major.'

"With reference to the latter paragraph, *we have authority to state*, that colonel Robarts was raised to the rank of lieutenant-colonel by the unsolicited favour of the Prince Regent, to whom, as colonel of the 10th Hussars, he presented himself immediately on his return from

the Peninsula, and by whom a recommendation, that he should have that promotion given to him, as a mark of the sense which his Royal Highness entertained of the gallantry and conduct of that officer, was transmitted to the commander in chief the same day.

"With reference to the other paragraphs, *we have also authority to state*, that his Royal Highness never informed colonel Palmer, whether the demand made by colonel Quentin, that the letter should be delivered to him, was or was not made under the authority of the Regent.

"Further, that the same letter was not procured by colonel Quentin under false pretences, and delivered by him to the Regent: but that colonel Palmer, in the presence of colonel Quentin and general Bloomfield, being asked by the Regent, whether colonel Quentin was in possession of the letter itself, (the substance of which his Royal Highness had previously understood to have been communicated several days before by colonel Palmer to colonel Quentin,) stated the letter to be in his hands, and that he was desired to deliver it to his Royal Highness: that colonel Palmer did deliver it to his Royal Highness, who immediately read it aloud, together with the letter which is under the signature of colonel Robarts alone, and purports to be written by desire of the officers who signed the first, and which had the same morning reached the Regent: that colonel Quentin immediately demanded a court-martial, with relation to the imputations contained in both the letters; putting his demand, at the time, into the form of an official letter, which he presented to the Regent *as his colonel*; and that the Regent immediately, in the presence of the officers above named, enclosed the three documents in a cover, and transmitted them to the adjutant-general.

although I do not mean to state what that authority is, under the circumstances, I suppose there is not a gentleman present who does not feel certain that it is no ordinary authority. It gives a contradiction to a statement I felt it my duty to make to the House, of facts which I adduced in support of my argument, as to the hard situation in which the officers of the 10th Hussars were placed by the conduct of government. The passage to which I particularly advert, is the following:—"In the same paper, Mr. Tierney is made to say, 'that colonel Quentin applied to the officers at the mess, demanding, as he stated, by the authority of the Regent, that the letter should be delivered to him; but this demand was not complied with; and upon reference to the Regent, it was found that no such authority had been given to him. That, on a subsequent audience, the Regent demanded this letter from colonel Palmer, and it was accordingly surrendered to his Royal Highness, through whom it found its way to the Horse Guards and colonel Quentin.' And Mr. Tierney is also made to say, 'That colonel Robarts, for the gallantry and good conduct of the regiment under his auspices, while subject to the inspection of the duke of Wellington, had been raised to the rank of lieutenant-colonel, from his station of major.'" Asto-

neral, to be laid before the commander in chief.

"We have also authority to say, that the Prince Regent gave no orders respecting the nomination of colonel Palmer as prosecutor, nor in any shape interfering after he had transmitted the papers above-mentioned to the adjutant-general. That colonel Palmer requested his Royal Highness to make application to the duke of York to rescind the nominations in question; but that his Royal Highness declined, in any way, to take part in the transaction, otherwise than as the channel through which his lieutenant-colonel's application for a court-martial should regularly pass to the commander in chief; his Royal Highness conceiving that colonel Palmer, by communicating, in the first instance, the substance of the officers' letter to colonel Quentin, rendered a court-martial indispensable, either on the demand of the lieutenant-colonel, to whom dishonourable conduct was imputed, or on that of the colonel, who was bound to investigate such an imputation."

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the latter words of the paragraph, I do not comprehend what is the difference between what I am represented as having said, and the subsequent statement given from authority. If it be thought that I meant to deny the kindness of his Royal Highness towards the officer named, my relation, I was certainly misunderstood, because I expressly added, that nothing could make me forget the sentiments of gratitude that ought to be felt. It is asserted, from authority, that colonel Robarts was raised to the rank of lieutenant-colonel by the unsolicited favour of the Prince Regent, to whom, as colonel of the 10th Hussars, he presented himself immediately on his return from the Peninsula. The fact is, that there had been an action, in which colonel Robarts had distinguished himself; but, at the same time, I admit that it was an act of favour on the part of the Prince Regent: I never have, and never will deny it. It is only mentioned in this account from authority, to shew that I was endeavouring to detract from the kindness of his Royal Highness on this occasion, when, but for the favour of his Royal Highness, colonel Robarts would not have been promoted. The truth is, I have understood, from several military gentlemen, that where an officer has had the command of a regiment, and had so distinguished himself as to induce the commander of the forces to mention his name in the dispatches, it is the uniform practice to advance that officer one step in rank. But, whether this be or be not the rule, it makes no difference, since colonel Robarts had, until this affair, received many marks of the kindness and favour of the Prince Regent. As to the former part of the paragraph which I read, I am most anxious that the House should be made distinctly to understand, that I did not, at least wilfully, state any fact on the former night which was not borne out by the evidence. I know that, in making my statement, I trod on extremely delicate ground; but I trust the House will do me the justice to think that I did not bring forward as fact, that which I did not believe to be so, or without sufficient evidence, which, if called upon, I could adduce. The thing denied by me is, that this letter was, by the desire of the officers of the regiment, given to the Prince Regent. I re-affirm it: I maintain that the letter was not given by colonel Palmer to the Prince Regent at the desire of the officers. The direct con-

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trary was the fact, for the officers of the 10th were most anxious that the letter should not be given to his Royal Highness. I re-affirm, that when colonel Quentin made the demand for the letter as from the Prince Regent, the officers refused; and I call upon my gallant friend behind me (colonel Palmer) to state, whether he had any authority to give the letter to the Prince Regent, and whether he was not, on the contrary, desired to consider the letter as cancelled? whether, although it had been signed, they did not wish to withdraw it? This is a most material part of the transaction, because upon this, give me leave to say, turns the whole evidence against the officers. There is nothing but that letter, which some persons have called a round-robin, against colonel Quentin. The order from the Horse Guards states, that the whole proceeding originates in that letter, which would not, and could not have been produced, if that conduct had been pursued, which it was supposed would have been pursued. I therefore call upon the hon. gentleman to state, whether, when colonel Quentin made an application to the officers to give up the letter, having, as he said, the command of the Prince Regent to require it, the officers did not unanimously refuse to resign it? Is it, or is it not the fact, that colonel Palmer did afterwards go with the letter to the Prince Regent, by whom he was commanded to give it up, and without which command he would not have resigned the possession of it? The consequence was, that the letter was put into the hands of colonel Quentin, and the officers were visited by the dreadful punishment which has since been inflicted upon them. I wish the House distinctly to understand, that what I asserted on a former night, is borne out by the fact, that the officers never did consent that the letter should be delivered to the Prince Regent; on the contrary, that they wished it to be considered as if the letter had never been written. The truth is, that his Royal Highness being made aware of the existence of such a letter, did command colonel Palmer to give it up; and that his Royal Highness did take the letter from his hands, and did thereby furnish evidence to the prisoner, on which his Royal Highness felt himself justified in passing that most severe sentence upon the officers of the 10th Hussars. It is not my intention, upon this occasion, to go into an argument upon the subject, or to provoke any

new discussion: it is the last thing I have in contemplation. I had hoped that there would be no occasion to trouble the House at all; but, placed in my peculiar situation, charged, as I am, "*from authority*," (and no man can doubt what that authority is, especially when the words are printed in italics), I feel that I am bound in duty to my own character to call upon the hon. colonel to state, whether, in the assertion I made, there is one single syllable which is not established by the fact. As to what passed between the gallant colonel and the Prince Regent, there can be no other testimony but his own. With respect to the officers refusing to deliver up the letter in the mess-room, I can adduce every officer who was present; but what I call upon the hon. colonel to state is, whether he, by desire of the officers of the 10th Hussars, had not put the letter into the possession of the Prince Regent; and whether his Royal Highness did not avail himself of his situation to furnish the prisoner with evidence against the officers by giving up that letter, which was made the foundation of their punishment?

Colonel Palmer stated, that he came down to the House in consequence of a note from his right hon. friend this morning; and, after what he had said, found it necessary to enter into an explanation, which he should have wished to have avoided, until he entered into the whole of the circumstances. With respect to the letter in question, he knew nothing of it until it was delivered to him by the officers of the regiment, to be used at his discretion. He had felt it right, in the first instance, in point of fairness and honour, as any gentleman present would have done under such circumstances, to communicate it to colonel Quentin; but considered that it was a matter of confidence between that officer and himself; nor did he conceive himself farther bound to colonel Quentin than to communicate the complaints of the officers to his Royal Highness, which he did immediately afterwards, as commanding officer in the absence of colonel Quentin; when he thought it his duty to wait upon the Prince Regent to inform his Royal Highness of the state of the regiment, but did not say any thing regarding the letter.—Colonel Quentin was at that time absent, but he unexpectedly returned, and was present during the rest of the conversation. Colonel Palmer said, he was desired to go to the officers of the regiment, and deliver the

commands of the Prince Regent, that they should prefer charges against colonel Quentin. While the officers were considering the subject, colonel Quentin came to the mess-room and demanded the letter. The officers refused, asserting that the letter had not been delivered, and was in effect cancelled. Colonel Quentin then said, that he had the order of the Prince Regent that they should deliver it up, and stated his intention of enclosing it to his Royal Highness. The officers replied, that they would not disobey the Prince Regent's commands; but requested colonel Palmer to go with the letter, and learn expressly from the Regent, whether his Royal Highness had in truth authorized colonel Quentin to demand it. Colonel Palmer went in consequence, and told his Royal Highness the exact circumstances under which the officers had been induced to give it up; and added, that if his Royal Highness demanded the letter, it was at his service. His Royal Highness denied, over and over again, having authorized colonel Quentin to demand the letter; nor would colonel Palmer have parted with it, if the Prince Regent had not asked for it; and it was not to be supposed that he could make a condition with his Royal Highness in presenting it to him, though he should have done so, if he could have entertained the slightest idea that it was to be used to the prejudice of the officers. This letter was certainly read in the presence of colonel Quentin, but not the letter signed by colonel Roberts, as stated in the *Courier*, for it was not even written at the time, as that was in answer to the Regent's commands to bring forward charges; neither were the whole sent to the commander in chief by the Regent, as he understood colonel Roberts afterwards saw the first letter in the possession of colonel Quentin, and felt inclined to throw it in the fire, considering the means by which it had been obtained. With respect to the Regent's not having interfered in any shape in making him (colonel Palmer) the prosecutor, the hon. member stated, that if he was not absolutely commanded, the Regent had expressed his sentiments and wishes in a way that was tantamount to a command. He had waited on his Royal Highness expressly to say, that he would not undertake the prosecution, though commanded by the duke of York; as he did not conceive his Royal Highness could insist on it, he (colonel Palmer) having been in no way implicated in the business;

but that the Regent, in a conversation of nearly two hours, pressed him to it in a way that he could not refuse, by saying, that his declining it would be considered as a desertion of their cause by his brother officers; and in consenting to undertake it, colonel Palmer told his Royal Highness, that he should consider it his duty to exert himself to the utmost to bring home the charges against colonel Quentin, entrusted to him by the officers: the necessity of which the Regent admitted. Colonel Palmer concluded with regretting that his right hon. friend did not approve of postponing the motion on the subject till after the recess; but conceived that the object he had in view would be best obtained by the delay, as it would give him time to circulate the papers, and enable him to lay the case fully and fairly before the public, whom he trusted he should satisfy, that his brother officers had been most harshly and unjustly dealt by.

*Mr. Tierney.* It is unnecessary to confirm the statement of the honourable officer, and I hope the House is now satisfied that I was warranted in making the assertions I did make on a former night. The hon. colonel was not desired by the officers to deliver the letter to the Prince; on the contrary, it was strongly resisted by them. So that the statement in the paper is a direct falsehood. It now appears distinctly, that colonel Palmer was not desired to deliver the letter to the Prince Regent, but that it was obtained by his Royal Highness solely by the influence of his high station, by his command that the letter should be delivered up. (Hear, hear!)

*Mr. Manners Sutton* only rose to state the circumstances under which the letters in question had been produced before the Court. It was obvious he could know nothing of them until they had appeared in the course of the proceedings. They had been put in by colonel Quentin on his defence, and shewn to the hon. gentleman himself, by whose testimony they had been authenticated, and who had stated to the Court, that it was necessary he should apprize them of the circumstances under which they had been obtained by colonel Quentin. He had listened attentively to the hon. gentleman's statement, both at that time and to night in the House; and as far as he could charge his memory with it, he thought it was exactly the same, if not as to words, at least entirely so as to substance. He had then said,

as he now did, that the letters had been demanded from the officers by colonel Quentin, in the name of his Royal Highness, and that he had ascertained such authority had not been given to colonel Quentin. Mr. M. Sutton said, he only mentioned this, in order to inform the House, that the Court were fully possessed of all the circumstances detailed this evening, when they came to their decision. The hon. gentleman had said, that he hoped, when the subject should again be brought forward, that he (Mr. Manners Sutton) would be prepared with a more satisfactory answer. He regretted, and feared he should then have still to regret, that it was not in his power to make a more satisfactory reply. If he had failed in answering the hon. gentleman, it must have been because he misunderstood the case, and not through a wish of keeping back any thing where there was nothing to conceal.

The *Speaker* inquired, whether any motion was to be proposed?

Mr. *Tierney* was not aware that any was necessary. Had the statement of which he had complained come only from the other side of the House, he should not have thought it necessary to make any remarks upon it; but purporting to be given from such high authority, it required some reply. That reply, he believed, was satisfactory. [Hear, hear!]

The subject was then dropped.

#### CIVIL LIST ACT AMENDMENT BILL.]

Mr. *Bankes* rose to move for leave to bring in a Bill to alter the time for submitting to parliament the accounts of the civil list. As the alteration which he wished to make in the law on this head was very simple, few words would suffice to describe it: indeed, it was hardly necessary to preface his motion with any observations, as the object of it was well understood, and he had the satisfaction of knowing it was not likely to be opposed in any quarter. From the late period of the session at which it had been customary to produce the accounts of the civil list, a practical evil had arisen, which it was desirable to correct. Though, when they had the Act before them, various modifications might be made in its provisions, it was at present his intention merely to propose, that the date should be altered at which the papers were to be produced. As the law now stood, when the papers came before the House, there was not suf-

ficient time for them to appoint a committee to examine them, and for that committee to report, so that they could deal with them as they might think necessary for the public good in the course of the same session. The Act now in force had been passed in the month of February; and as it was thought desirable that it should take effect as soon as possible after it had passed, it had commenced with the next quarter from the 5th of April. This being the time fixed upon to which the accounts were to be made up, they could not be produced till about a month after; and then a new delay having occurred before the appointment of a committee, it had happened in the two last years, 1812 and 1813, that the report of the committee had not been received in the former till the 7th of July; in the latter their resolutions had not been laid on the table of the House, and ordered to be printed, till the 21st of July. Much of the inconvenience now complained of would be avoided, if the accounts were in future made to the 5th January, instead of the 5th April. He had thought of making provision for the production of the accounts of three quarters of the present year, up to the 5th January 1815; but this, as it would be attended with some difficulty, he had not thought absolutely necessary, and should not persevere in his design. He concluded by moving, "That leave be given to bring in a Bill to amend the Act of the 52 Geo. 3, c. 6, for making provision for the better support of his Majesty's household, during the continuance of his Majesty's indisposition."

The *Chancellor of the Exchequer*, though he did not consider the inconveniences complained of inevitable under the existing law, was of opinion the subject could be more conveniently brought under the notice of the House, if the accounts were made up to the time named by his hon. friend, instead of that to which they had been usually made up. He had therefore no objection to the motion. But as some inconveniences might have arisen from the accounts for three quarters of the present year being called for, as the right hon. gentleman had thought of doing, he felt obliged to him for abandoning this intention. He, however, wished it at the same time to be understood, there was no indisposition on his part to take the commands of the Prince Regent, to give the accounts for three quarters of the year before the usual time,

Mr. *Tierney* agreed to the motion, but did not see there would be any great difficulty in giving the accounts of the civil list up to the 5th of January. Why could they not be made up for the year ending on that day, as it was proposed should be done hereafter? He wished it to be remembered, that he could only feel satisfied with the present motion on an express understanding that the Chancellor of the Exchequer would bring down the accounts for the three quarters of the year shortly after the recess. He wished the time at which these would be given to be more distinctly specified than it had yet been, that they might not again come round to the old disputed point of what was, or what was not a reasonable time for the production of them. If the right hon. gentleman would say he would cause them to be produced in the month of February, he should be satisfied.

The *Chancellor of the Exchequer* declined pledging himself to any particular time, but to every disposition to consult the wishes and convenience of the House. They should be at any rate produced in the course of the quarter.

Mr. *Tierney* thought he had a right to complain of the treatment he received, when, after repeatedly giving way, as he had done, he only asked that the House should in substance have the advantage of the Bill about to be brought in shortly after it shall have passed, that the Chancellor of the Exchequer should refuse to do more than promise the accounts he (Mr. T.) had called for in the course of the ensuing quarter. It was not necessary that the Chancellor of the Exchequer should refuse to comply with a request so reasonable, to shew that he (Mr. T.) had little or no weight in the House; if the Chancellor of the Exchequer wished for a triumph over him, he had it already; as every one knew very well, that, had not the hon. gentleman near him (Mr. Bankes) taken up the business for him, he could never have succeeded in accomplishing the object he had in view. He had no right to ask that hon. gentleman to stand by him again; but he was sure if he were to say but half a word for him, the Chancellor of the Exchequer would give up his opposition.

The *Chancellor of the Exchequer* had no wish unnecessarily to oppose the right hon. gentleman: all he desired was, not to be tied down to any particular day. He should honourably redeem the pledge

he had given, but he wished to be allowed to exercise his discretion as to the precise time.

Mr. *Long* thought the right hon. gentleman had forgot what he had stated to be the object of his motion on a former night, which was the production of the accounts sufficiently early in the session for a committee to sit on them, and make a report before its close. His right hon. friend had engaged for the papers being forthcoming, and ought he to suffer himself to be farther tied down?

Mr. *Tierney* explained. The right hon. gentleman who had just sat down, he remarked, had said, and the assertion was accompanied with a loud cheer, that the month of May was, of all others, the best month for the production of these papers. He again asserted, that nothing could be more easy, as nothing was more reasonable, than to produce these accounts in February. He had no wish to renew the contest with ministers; he should be content to have the worst of it, provided the country was not the sufferer. He willingly admitted the prowess of the right hon. the Chancellor of the Exchequer, and acknowledged he had fought like a dragon [a laugh]. Of all the cautious gentlemen he had ever known on the subject of the civil list, he had never met with one who moved with such wary steps as the right hon. gentleman. All he should now add was, that if not produced in February, he should move for the accounts.

Mr. *Long* denied having said that May was, of all others, the best month for the production of these accounts. He had accounted for the delay which had been complained of on a former occasion, as arising, not from the late period at which the committee was appointed, but from their having waited a considerable time for some gentlemen who did not attend.

Mr. *Pensonby* recollected perfectly well that the right hon. gentleman had said the month of May was that in which the fullest attendance might be expected. If the committee referred to, had lost time in waiting for gentlemen who did not attend, those who composed the committee must have uncommon patience, as the gentlemen who absented themselves had previously given notice, when it was found they were not to have the power of sending for persons and papers, that it was their intention to stay away.

Leave was given to bring in the Bill.



**FEES OF COURTS OF JUSTICE.]** Sir *John Newport* rose, in pursuance of notice, to submit a motion to the House upon the subject of the Fees taken in Courts of Justice. Preparatory to his motion, he moved "That the several entries in the Journal of the House, of the 28th of June and the 11th of July, in the last session, of the Address agreed to by this House to be presented to the Prince Regent, that he would be graciously pleased to give directions that there be laid before this House a report of all proceedings had by virtue of a commission under the Great Seal, for examining the duties, salaries, and emoluments, of the several officers, clerks, and ministers of justice, and for reporting what regulations may be fit to be established with respect to the same; for the institution of which commission an humble Address was presented to his Majesty by this House, on the 13th day of June 1799;—and of his Royal Highness's Answer thereto, that he would give directions as desired by the said Address, might be read," and the same were read. He also moved, "That the several entries in the Journal of this House, of the 28th of June and the 11th of July, in the last session, of the Address agreed to by this House to be presented to his royal highness the Prince Regent, that he would be graciously pleased to issue a commission under the Great Seal, for examining the duties, salaries, and emoluments of the several officers, clerks, and ministers of justice in the United Kingdom, and for reporting what regulations may be fit to be established respecting the same; and to direct that the proceedings of such commission may be laid before parliament as early as may be after the commencement of the ensuing session;—and of his Royal Highness's Answer thereto, that he would give directions as desired by the said Address, might be read." The same being read accordingly, the right hon. baronet said, that having understood from the right hon. gentleman opposite (*Mr. Bathurst*) that no commission had been appointed, and bearing in mind the fate of a similar address in 1799, in consequence of which no effectual steps had, in fact, been taken, he had given notice of the motion which he should then bring forward. The ministers of the crown had had four or five months to appoint the commission, and yet no commission was said to have been formed. A sufficient reason for a most minute investigation into the fees taken in the courts of justice

was contained in this extraordinary fact, that the poundage actually taken on money paid into courts was at present one shilling, while by a resolution of the House of Lords of 1732, it was fixed at 6d. Such a crying enormity was a sufficient ground, even if it had been a solitary one, for the Address which had been voted. But it mattered not what were the grounds for the Address, it had been voted by the House, and graciously answered by the crown; yet the ministers were determined that the intentions of the House should not be fulfilled. It was said, that no commission was made out, but the names of some of the persons to be appointed commissioners were known. Among them were two masters in Chancery. These masters in Chancery were to inquire into the exactions of officers of justice—into their own exactions. He could very well conceive how the intentions of the House had been frustrated. In the minority against the Address there went out of the House three cabinet ministers, and among them the right hon. gentleman opposite him (*Mr. Bathurst*), the one most immediately connected by affinity to the head of the department to which the execution of the resolution of the House belonged. The fate of the address of 1799, and the present delay would, he trusted, persuade the House of the necessity of exercising their rights, and of shewing that there was no power in the country that could successfully frustrate a public inquiry. His intention was to follow up his present motion, by moving that there be entered on the same Journals which contained the answer to the Address, which stated that the wishes of the House should be complied with, a resolution that the Prince Regent's ministers had frustrated his gracious intentions, with such further censure as should appear expedient. He concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, a copy of the Royal Commission issued under the Great Seal, appointing commissioners to inquire into the state of the Courts of Justice of Great Britain and Ireland, with respect to the several matters specified in the Address of this House of the 28th day of June last past, and his royal highness the Prince Regent's most gracious Answer thereto of the 11th of July, and a summary account of such proceedings as may

have taken place under the said Royal Commission."

Mr. *Bathurst* conceived that the imputations thrown by the hon. baronet upon his Majesty's ministers were altogether unfounded and unwarrantable. There was no disposition on their part, and he was sure there could be none on that of the principal officers of justice in this country, to frustrate the intentions of that House. The right hon. baronet had, however, not appeared to be aware of the difficulty of the task of inquiring into the duties of all the courts of justice in the kingdom, as well as the fees taken by all the ministers of justice. Such an inquiry would require great ability in those who were to report upon the duties of all the courts of justice; and if it was meant to comprehend all the ministers of justice, constables as well as others, it would be an inquiry of great extent. He did not understand that the rate of poundage alluded to by the right hon. baronet, existed in this part of the united empire. The proposed inquiry was not merely as to fees, but embraced the whole administration of justice. It required some time to consider how it was to be divided and executed, and to select persons fit to make the investigation. They must of course have some knowledge of the laws, and yet neither practising barristers nor judges could be appointed. If the right hon. baronet objected to masters in Chancery, against whom he never knew till now that he meant to make any charge, he certainly must still less wish that practisers in courts should be employed. The choice must, therefore, be confined to those who, having attained eminence and fortune, had retired from the duties of their profession. But would they accept of such an office? The commission was ready to be issued in England, as soon as a sufficient number of fit commissioners should have been found. Even within the last two days, one of those appointed had declined the office. With respect to the other branches of the United Kingdom, the only delay was occasioned by the necessity of waiting for the return of persons to whom applications had been made, as government had no power to impose the task upon them. He should not object to the motion.

Sir *Samuel Romilly* thought the House would not be satisfied with the statement of the right hon. gentleman. His Majesty's ministers would not have acted as

they had done, if they had wished to pay respect to the House of Commons. The intention of the House clearly was, that a committee should be appointed without delay; and the reason why the clause in the resolution, pressing for a speedy compliance with the wishes of the House, had been inserted, was, the culpable contempt which the Address of 1799 had experienced on the part of the advisers of the crown. It had been said, that there had been difficulties in drawing up the commission, and in the choice of persons to act under it. As to the commission, the simple course was to have framed it in the words of the resolution; nor would there have been any difficulty but with persons disposed to start objections, and shew themselves wiser than the House of Commons. As to the persons, he did not see why practising barristers should not be appointed, as they were the most disinterested and most competent persons that could be fixed on. He did not doubt the honour or the respectability of the persons appointed to act under the commission, but the public would expect to see persons perfectly disinterested; and indeed it was a most invidious situation for judicial persons to be placed in. The motion for an Address was carried by the vote of a master in Chancery, who voted for it, because his own office was to be inquired into; and now a master in Chancery was to be made a member of the commission employed to inquire! He hoped, if further delay took place, or if the commission was not properly acted on, the House would take the matter into its own hands, and appoint a committee on the subject.

The *Solicitor General* was surprised that the hon. and learned gentleman who had spoken last should object to the appointment of persons in judicial situations to execute the duties in question. In 1732, when a commission of a similar description was appointed, founded on absolute accusations, the supreme judges of the court of King's-bench, court of Common-pleas, court of Exchequer, Ecclesiastical court, and Admiralty court, were selected as the persons most competent to perform the duty; that the hon. and learned gentleman should object to any person in a judicial situation being now appointed to execute the office, therefore, excited his utmost astonishment. At that time he was sure they would not have agreed to a resolution which went directly to throw

a slur on all the courts in the kingdom, from the court of Chancery down to the court Baron, without a statement of facts having been laid before them. It could not perhaps be said, that amongst the number of persons who were connected with the courts of justice, there were not some who would receive fees that they were not entitled to; but he was convinced, if any such transaction were discovered, and brought before the court in which it took place, the party concerned would be punished as far as the power of the judges allowed them to proceed. With respect to the observations which had been made relative to the impropriety of placing two masters in Chancery on the commission, he was sure it could not be supposed, although expedition fees were demanded in the masters office, that such demand was sanctioned by them. The suspicion thus expressed, struck him as proclaiming to the world that the masters were not worthy of their situations;—such must be the inference, when it was insinuated that they ought not to be intrusted with the examination of abuses said to exist in their offices. It was admitted, that they were the persons best capable of judging of the manner in which their business should be conducted; and yet it was said that they ought not to be employed on the commission, because part of the investigation affected the offices which they held. As to the charge made against his Majesty's ministers, that they had endeavoured to frustrate the effect of this resolution, it was utterly groundless. If the commission had even been settled the day after parliament closed, it would not have been possible to have made a report at this time worth laying on the table of the House. Whoever the persons appointed to execute the business might be, their duty would be one of immense labour; since they would have to investigate the duties, and examine the fees of every court of justice in the kingdom. On a former occasion, though a separate body of persons was appointed to inspect the different courts of justice, as well as the ecclesiastical courts, it was found almost impossible to make any progress. A commission had now been prepared, two of the members of which were undoubtedly masters in Chancery; but it was too much to assume, therefore, that the ministers of the crown wished to frustrate the intentions of the House. The nature of their office did not

disqualify masters in Chancery from being employed on such an occasion, any more than it had prevented the judges, who were attached to the commission of 1732; who formed, however, rather the ornamental than the acting part of that commission. In his opinion, there was no necessity for the present application of the right hon. baronet; since it had not been shewn that any member of the government harboured a wish to frustrate the commission to which it referred.

Sir *S. Romilly* denied that he had said, or meant to say, that the masters in Chancery ought to be excluded from the commission, because they would be called upon to examine matters which concerned themselves. His only reason for wishing that those gentlemen should not be employed on the commission was, because all the parties connected with it ought, in his mind, to be totally indifferent; and he did not wish to see any of them placed in what he thought, and stated to be, an invidious situation, which called upon them to examine into the nature of fees received in their own offices by persons employed under themselves.

The *Solicitor General* said, that his observation did not refer to the hon. and learned gentleman's speech, but to what had fallen from the right hon. baronet, who asserted that the ministers of the crown were endeavouring to frustrate the intentions of parliament, by calling on masters in Chancery to examine into the abuses of their own department.

Mr. *Abercrombie* expressed his surprise at the soreness evinced by the hon. and learned gentleman on the other side, and by so many of his friends, upon the subject of the resolution which gave rise to the debate. There was so much sneering and cavilling against this resolution, as to leave no doubt with respect to the feeling which it excited. But he trusted that the House would still persevere in maintaining its resolution, and that the hostility which it experienced would determine them to increase that perseverance until the salutary object in view should be effectually attained. The House were called upon to consider, first, whether the delay in complying with the resolution of the House had been sufficiently accounted for; and second, whether the persons about to be appointed to execute the commission were the most eligible that could be chosen. With respect to the delay, he contended that there had been a direct

breach of the order of the House; which the hon. and learned gentleman had failed to disprove, by stating that no report could have been made at so early a period. The order was, that a commission should be named, and that the proceedings had under it should be laid before the House as soon as possible after the commencement of the ensuing session. The object of parliament was, that no time should be lost in acquiring a knowledge of what had been done under the commission; a conclusive report was by no means contemplated; and there was nothing to prevent the House from obtaining partial information on the subject. As to the second point, it was argued, that judges were very improper persons to place on such a commission. The answer given to this by the hon. and learned gentleman was, that, on a former occasion, the judges were so employed, and it would be wrong to arraign so grave a precedent. But the hon. and learned gentleman destroyed his own argument, by observing, that the judges attached to the commission of 1792, belonged to the ornamental, not to the working department. If they had been actively employed, it would have been extremely wrong; for, however respectable their characters might be, it was not very customary to appoint persons to investigate abuses supposed to have taken place in offices to which they were themselves attached. With respect to the two masters in Chancery who had been named on the commission, he knew them both to be most correct and honourable men. To one of them he owed great obligations, and he entertained for him a very warm esteem; but he sincerely wished, for that inestimable individual's sake, that he had declined to accept the appointment. When a master in Chancery was appointed to such a situation, he became, in fact, both witness and judge. If abuses were alleged to exist in the masters' office, who could be called on to prove or rebut the statement, but the masters themselves? Under such circumstances, to nominate to the commission two masters in Chancery out of five persons who were to compose it, appeared to him very objectionable. He meant not to impute any thing improper to the persons who were thus placed in an invidious situation; but he hoped the present discussion would have the effect of making them re-consider the decision they had come to in accepting the office of com-

missioners; and, if not, that it would cause government to review the selection they had made.

Mr. *Addington* stated, that it was extremely difficult to find persons calculated to fill the situation: it called for a combination of qualifications. From his own personal knowledge he could declare, that, for the last three months, unremitting exertions had been made to procure efficient commissioners: some had declined on the overture being made; others demanded time to consider of it; and a gentleman of great ability, whose services were confidently anticipated, had that very day stated his inability to accept of the office.

Mr. *Ponsonby*, after observing that Ireland was, notwithstanding the remark of a right hon. gentleman, entitled to the same consideration from the legislature as Great Britain, expressed his astonishment that the commission alluded to had not been sooner appointed, in compliance with the Address of that House. Whether it was or was not wise to adopt this commission, he would not stop to argue: it had been formed, and therefore, on that point, all argument would be superfluous. Although it might be a fortunate measure, he was sure, to some gentlemen, it was a most unpleasant one, and they had left no means untried to prejudice the House against it. With respect to the resolution then before them, he was convinced that the House could not come to a vote more useful to the public or more consonant with the public interest. He referred particularly to Ireland, where this vote would give the greatest pleasure. There were, he knew, persons in that country, to whom this measure was not agreeable, for he had made particular inquiries on the subject; but to the enlightened part of the Irish public, no measure could give greater satisfaction. As to its being difficult to find commissioners, he would only observe, that if his Majesty's ministers took the advice of his hon. and learned friend (sir S. Romilly), he would provide them with a list of persons calculated for the situation, against whom no objection whatever could be urged.

Mr. *Bathurst* disclaimed any intention of asserting or insinuating that Ireland did not, since the Union, possess as much right to the consideration of that House as any other part of the empire.

Mr. *Ponsonby* observed, that he had before remarked upon what the right hon.



gentleman had said, but he now understood what he meant to say.

The motion was then agreed to.

Sir *John Newport* then said, that he had to move for a return of fees in an office, the fees of which were specifically prescribed by act of parliament; and the object of his motion was to ascertain whether any, and how much more than the legal fees, were exacted. The office to which he alluded was that of register of deeds in Ireland, in which he understood that a considerable augmentation of fees had taken place, especially within the last two or three months. According to his information, indeed he might say within his knowledge, that the fees of this office, which six months ago were three or four-fold beyond what was allowed by the Act referred to, had within the last two or three months been doubled under a gentleman who had succeeded by reversion to the office of register. The right hon. baronet concluded with moving, "That there be laid before this House, an account of the rate of fees demanded or taken in the office of register of deeds in Ireland, for entries, certificates, or copies of deeds, under or exceeding the length of one hundred words; distinguishing the same severally, and also noting whether such fees are payable to the register or his deputy, and whether any and what alteration has taken place in such rate of fee during seven years last past." He also moved, "That there be laid before this House, an account of the number of writs of *latitat* issued out of the several law courts of Ireland during seven years last past; distinguishing each year, and whether for sums under or above the amount of twenty pounds." The right hon. baronet dwelt upon the oppression to which individuals, especially of the poorer order, were subject through the operation of these writs; and he expressed a hope, that when the facts were before the House, it would see the necessity of adopting some remedy for an abuse very generally complained of in Ireland.

The motions were agreed to.

IRISH TAXES.] Mr. *Fitzgerald* having moved, "That the Resolutions of the committee on Irish customs duties be entered as read," and "that instructions be given to the committee appointed to bring in certain bills connected with Ireland, to make provisions pursuant to those resolutions,"

Sir *J. Newport* animadverted at some

length on the right hon. gentleman's new system of imposts, and contended, that the proposed assimilation of English and Irish duties must have the effect of crushing Ireland. He particularly applied his observations to the Timber Act, which he considered oppressive and injurious. In England, the farmer might have recourse to the home timber for his necessary repairs, and was consequently exempted from paying any duty. The case was very different in Ireland: the farmer must there purchase what he wanted at the timber-yard, and on this he paid an extravagant duty. The impost on timber had also a very serious effect on the provision-trade; that trade which principally enabled Ireland to pay for British manufactures. On the article of staves, so necessary for that trade, the duty was carried up, at one step, from 7d. to 25s. The consequence was, that the right hon. gentleman now found it necessary to modify the enactment of last session. The right hon. baronet then argued strongly on the impropriety of hurrying measures of such magnitude through the House, without any previous communication from those who were interested in them; and expressed his intention, if no other gentleman interfered, to move for a standing order, by which a proper period for communication between the Irish representatives and their constituents would be allowed, before any measure of importance to the sister country was suffered to pass. He was perfectly certain, that if this assimilation system were pursued, they would find an increasing taxation, but a decreasing revenue. It was futile to think of a similarity of taxes, without a similarity of advantages.

Mr. *W. Fitzgerald* said, that he felt himself called upon to observe on what had fallen from his right hon. friend; but it would not be necessary for him to trespass long upon the time of the House, nor perhaps justifiable, after the patient bearing with which he had been honoured on a preceding occasion, when he called the attention of the House to the subject now before it. With respect to what had been said of the pressure of these duties upon the lower orders of the people of Ireland, he appealed to the House, he would appeal to the right hon. baronet himself (with whom, although they were frequently politically opposed, he had the pleasure of many communications upon the subject of public business), if he had

not, upon every occasion, expressed himself deeply sensible of the weight of those burthens, which the unexampled expenditure of the country, and the efforts made by all parts of the empire, had rendered it necessary to impose upon Ireland. He had repeatedly stated, and stated with regret, that the day was fast approaching, when it would be incumbent on parliament to take a general view of the financial situation of that country. He had avoided as long as possible to recur to those measures of direct taxation, by which she would be called on to contribute her share of the common burthen. The right hon. baronet had said, that the burthens upon the people of Ireland were already so great, that it would be impossible to go any further in the way of taxation. Without stopping to examine the accuracy of that assertion, it must at least be admitted, that it afforded some justification of the duties which he had proposed, because it removed that part of the argument which imputed to him, as a blame, that the measures would bear heavily on some parts of the community; and convinced he was, that if either of the right hon. gentlemen opposite filled that situation which he had the honour to hold, they would feel, as he did, bound to propose some plan to defray that share of the joint contribution, which, by the articles of the Union, Ireland was bound to provide. If the right hon. baronet had thought last session, when these taxes were proposed, that the burthens on Ireland were then so great that they would not admit of any augmentation—if he had thought that the time was then come, when we should have been justified to review the measure of the contribution which Ireland was bound to furnish, he was sure the right hon. baronet would not have shrunk from saying so in his place in parliament. The right hon. baronet, however, did not think it necessary to take any such step; and the leading objections to this, along with the other impositions which he (Mr. Fitzgerald) had made, had been anticipated by himself; but on the grounds on which he had urged them, they had received the unanimous concurrence of the House. The object of the present Bill was, to establish, by an act of legislature, those modifications which the Irish government had found it expedient to make (upon its own responsibility) in the act of last session, in consequence of the difficulties encountered by individuals,

who had made shipments under the law as it stood before.

Gentlemen would see, in this case, the difference between a mere augmentation of duty and an alteration of the scale, for which latter, persons might not be prepared. The lords of the Treasury of Ireland felt that they ought to take that responsibility upon themselves, and apply to parliament for a justification, rather than suffer the inconvenience and loss to individuals, which must otherwise have resulted from the strict execution of the act of last session.

When he introduced those duties, he had stated, amongst the grounds which induced him to propose them, his wish not only to equalize the duties of customs in Ireland to those of England, but to assimilate, as far as possible, the mode of collection in the two countries. In his view of that subject, he had the good fortune to meet with the general approbation of the House; and it was a principle, of which, generally, he was sure that his right hon. friend would not disapprove. He also stated another principle upon which these duties were founded; viz. that of contributing, as far as was consistent with the internal improvement of Ireland, to the great and general interests of the whole empire. Amongst the most important were our colonial trade, and the encouragement of our shipping. He certainly would not interfere with the particular interests of Ireland to promote these objects; but where he could make these interests concurrent, he thought it his duty to do so.

He had upon a former occasion, when his right hon. friend was not present, adverted to the great misunderstanding and misrepresentation that had prevailed upon the subject of some of these duties, which had by no means been increased to such an extent as the gentlemen who, we were told, were about to petition parliament, had been led to believe. There was one material circumstance which he had before stated, and which, if his right hon. friend had known or had recollected, would, he was sure, not have escaped his acuteness in argument, or his candour in debate; viz. that for five years before these duties were laid on, when an intercourse with the Baltic was interrupted by the war, the price of timber in Ireland was higher than it was at present, inclusive of the old and additional duties; and yet no complaint was then made. It had been urged, and not unfairly, that, after having borne the

privations which had arisen from the war, the people had a right to enjoy the advantages resulting from peace; and that therefore it was wrong to impose those duties upon timber, the effect being to keep up the price as high as it was during hostilities. To the former part of the proposition he was ready to assent, but the necessities of the country did not permit him to act upon it. It was indispensably necessary that Ireland should make great sacrifices. He saw no prospect of a diminution of her burthens; and those who, like the right hon. baronet, well knew her financial state, would not be surprised therefore that peace had not brought with it to Ireland all the advantages which, under other circumstances, would have resulted from it. But it appeared to him, that the most favourable moment for imposing these duties, was the one when the price of the article was about to decline, because it prevented their imposition from being severely felt.

The right hon. baronet had adverted to one or two other topics, upon which it would only be necessary for him to say a word or two: the first was, the proposition for interposing, by a standing order, a certain delay in the progress of Tax-bills relating to Ireland. That inconveniencies might ensue, in some instances, from bills of that description being passed without the means of communicating with Ireland, he did not deny; still less would he deny the respect which was due to the sense of his constituents, by every one who had a seat amongst them; but it was a principle quite new to him, and he believed quite new to the House, that when the representatives of the people were assembled, or ought to be assembled, it was necessary to impede the progress of public business, in order to have communications out of doors. His right hon. friend would, he was sure, upon a little reflection, see the serious inconvenience that must result from the adoption of such a measure. With regard to the very Act which it was now proposed to modify, an Act imposing duties of customs, if the delay proposed by the right hon. baronet had taken place, it would have led to such an extent of speculation, and produced so many other inconveniencies, that parliament would have felt itself bound to interfere to remedy them. [Mr. Ponsonby said, that the stock in hand might be surcharged after the passing of the Act]. Mr. W. Fitzgerald said, that in many instances it might, in

some it was the case; but there were many articles that could not be surcharged in that manner, and timber was one of them; not one out of fifty, which were the objects of the Custom Duties Bill, had been so charged, nor was it usual to charge them: that suggestion, indeed, would apply to whatever there was, of which excise had been usually taken. But it was not necessary now to enlarge upon this subject; it would be time enough to discuss it when the proposition was made. If the statement which he had made was not satisfactory, he should lament it. He should have gone perhaps into greater length, if he were not aware that almost every gentleman who now heard him was present upon a former occasion, when he went more into detail upon this subject. If he were called upon further, he might, he hoped, though it were irregular, be permitted to answer. He would just say, and he had almost forgotten to advert to it, that his right hon. friend had entirely omitted to observe, that timber, the growth of British America, was admitted almost free; that the staves of Quebec, which had been tried by the victualling board, had been deemed at least equal to those which had been generally used. He looked yet to British America as a great source of our supply, and as the means of still preserving our provision trade, which, after the restoration of general peace, must fail miserably, if the British shipping interests were not upheld. Another result he anticipated would be, as soon as competition was opened, the diminution of the native prices in Sweden and in Norway; such had been the result of the high duties in this country for a short interval, and it would have been the result in a greater degree, if the differences with America had not added the great freight and insurance to the expense of transport.

The particular instruction to the committee, on which the question was now to be put, was a modification of the duty on staves: the small class were to be admitted at five shillings, and the colonial at one. The other point (he begged pardon for this desultory mode of debate), which had escaped his right hon. friend, was that which he had noticed before, that one third of these duties are to cease on the repeal of the war duties in Great Britain; and there was a provision in the Bill to that effect. He should only now repeat, that the object of the present Bill was merely to modify the duties of last

session; and if the gentlemen thought it necessary to bring these duties under the consideration of the House in any other shape, the adoption of those modifications would not prevent them.

Mr. Ponsonby thought it would be better to let the measure stand over, until communications could be received from the people concerned in the trade. As to the general principles which the right hon. gentleman had stated, he admitted them to be true; but particular circumstances might alter the application of those principles; and the case of Ireland, he thought, was precisely the one in which those circumstances were to be found as relative to the present tax. He put it to the British members who had visited that country, whether the small quantity of timber was not remarkable, and particularly in the growth of fir? The fact was, that this latter kind was in great disrepute at home; they would rather give a much higher price for the foreign. He could state a ridiculous instance, in which this fact was proved by an experiment of a friend of his. During the continuance of hostilities in the north, his friend wished to dispose of some old fir-trees; but the timber-merchant having offered him what he thought much under their value, on the ground that they were of home growth, the expedient adopted by the gentleman was, to ship them off to Cork, and then back again; after which he sold them at his own price, under the denomination of foreign timber. Mr. Ponsonby said, he knew the critical situation in which any man stood who had to tax Ireland: she was not in a situation to afford what was expected from her. As to the manner of estimating the proportion of contribution on the part of Ireland, which was adopted at the time of the Union, nothing could be more fallacious. The quantities of wine, spirits, and beer consumed, as compared with the consumption of the same articles in this kingdom, was taken as furnishing the proportion of their respective means; but any man who knew any thing of the habits of Ireland, must know that an individual possessed of any given property there, would consume much more than one possessed of the same fortune in Great Britain. But it was chargeable with another fallacy, that consumption was supposed to continue, though the very Act of Union brought many of its most wealthy residents to this country. He was solemnly of opinion, that Ireland was unable

to supply her proportion, as regulated by this estimate. They ought now to see what the permanent good of Ireland required, and that required that the article under consideration should be kept as low as possible. The habitations of the peasantry were known to be small and dirty; the gentry of Ireland had manifested a great disposition to remedy this evil, and therefore it was a matter of vast importance that so desirable an object should not be impeded by any additional tax upon an article so necessary to its success.

Mr. W. Fitzgerald said, that it would be impossible to adopt the advice of the right hon. gentleman. The sound interpretation of the Act of Union he deemed to be, that no tax could be imposed in Ireland upon a subject not taxed in England [here Mr. Ponsonby and sir J. Newport signified their dissent], nor could any article be taxed higher in Ireland than in England. He was surprised that the right hon. gentlemen had not taken the same view that he did; and he confessed, that he should seek the authority of a resolution of that House, before he acted on their interpretation. But he really was not aware of any articles that could be taxed, or of any old one that would admit of such an increase of duty, as would supply the deficiency of revenue which must arise, if the House dissented now from the opinion which it had held before.

Mr. Peel said, that he principally rose with the view of noticing two observations which had fallen in the course of this debate from the right hon. gentlemen opposite to him. In those observations he fully concurred, and he had heard them with great satisfaction. The right hon. baronet has said, that though the peasantry of Ireland were badly lodged, yet that they were well fed; that if you offered them wheaten bread, they would prefer their present diet to it; and that penury and scarcity must not be inferred, because they lived principally upon potatoes. The right hon. gentleman had said, that this was an improper season for laying heavy duties on timber, when the landed proprietors and landholders of Ireland evinced such a desire to ameliorate the condition of the peasantry, and to administer to their comforts and their happiness. He had heard these observations with real satisfaction, and for this reason, because they were in direct contradiction of certain unfounded and inflammatory statements which had proceeded from a



quarter from whence they might have been least expected, and which they least became. He was glad to find that the two right hon. gentlemen came forward, though not perhaps with that intention, to correct the gross delusion which prevailed in the country upon this subject, and to contradict, on authority which could hardly be questioned, the still more gross misrepresentation by which it was attempted to keep alive and propagate that delusion. He was glad to hear them tell this House and this country, that it was not true, as had been asserted, that the peasantry of Ireland were in a worse condition than English swine; and that it was a libel upon the landholders of Ireland, to publish to the world that they had no interest in the prosperity of their tenantry, and that their sole object is to extract from the wretched peasant a rent which he cannot afford to pay. Mr. Peel concluded by saying, that he wished most sincerely, and every friend to Ireland must wish, that the comforts of the peasantry should be increased; he believed they were badly lodged, but he had every hope that their condition was in this respect improving. With regard to fuel and to food, he was perfectly satisfied that there were many parts of England in which the lower orders were infinitely worse provided with these essential articles of life than the lowest description of peasantry in Ireland.

Mr. *Courtenay* declared, that there was a great and radical objection to a tax of this nature; it not only prevented improvements in habitations, but also in agriculture, and other branches of industry. There was a manifest spirit of improvement in Ireland, which this tax would check and diminish. No tax could be more injurious; and he could not agree that there existed no means of raising the sum upon a different article.

Mr. *Rose* could not understand why the duties on timber should be so modified as to meet the purposes of agriculture in Ireland more than in England. He had always considered, from the moment of the Union, that the greatest care should be taken of the prosperity of Ireland; but there was no reason that any particular preference should be given to it. The measure of the right hon. gentleman appeared to him to be very just and proper.

It was then agreed, that it should be an instruction to the committee to make a provision pursuant to the said resolution.

IRISH SUPERINTENDING MAGISTRATES BILL.] Mr. Peel moved the order of the day for the House to resolve itself into a committee on this Bill.

Sir *J. Newport* said, he had no objection whatever to the principle of the measure; but he wished that, in conformity to the ancient law of England in this respect, the vicinage on which the provisions of the Bill were to operate, should be more distinctly marked. In many cases the disturbance might exist in a single parish or townland; but by the use of the vague word 'barony,' it would frequently happen that a large district, in which no fault had been committed, would nevertheless be visited with punishment.—The House then resolved itself into the committee.

Mr. *Peel* expressed his concurrence in the propriety of the observations of the right hon. baronet. The fact was, that the Bill was introduced for the express purpose of lessening the burthens of the original measure. An inconvenience might arise, however, from confining the operation of it to a too limited a district. Indeed, it could hardly occur that a disturbance should take place in a single parish or townland; and if it did, the expense that would fall on that spot would be too enormous. Perhaps it might be well to give the lord lieutenant power to declare a 'part,' or 'parts,' in a state of disturbance, leaving the extent to his discretion. He would not actually pledge himself to the support of such a proposition; but he should like to hear what could be said in support of it; and it might be embodied in a clause, and annexed to the Bill at a subsequent period.

Sir *J. Newport* said, that the mode hinted at by the right hon. gentleman met his ideas perfectly. His object was to narrow the visitation of the measure in any way that should make it commensurate with the district in which the fault had been committed.

The Bill then went through the committee.

## HOUSE OF LORDS.

*Thursday, November 24.*

The Duke of Norfolk gave notice of his intention, shortly after the recess, to submit a proposition to their lordships, the object of which would be an improvement in the mode, in certain respects, of keeping the Journals of the House: particularly with reference to the mode of enter-

ing the divisions. What he meant to propose would be, to a certain extent, an innovation; on which account he was induced to give this early notice.

PROPERTY TAX.] The Duke of *Norfolk* took occasion, seeing the noble earl in his place, to notice a circumstance which had made some impression on the public mind. He understood that some printed papers were circulated in London, which stated that the property tax was to be collected up to April 1816, as well as 1815. His grace was desirous to be informed, and he conceived that the public were entitled to some explanation of the fact, whether it was the intention of his Majesty's ministers that the operation of the Act should be so extended, as the present Act was to expire on the 5th of April, 1815?

The Earl of *Liverpool* stated in answer, that it was of course impossible the measure alluded to could take place without the concurrence of parliament. If, therefore, it appeared to his Majesty's ministers, on a review of all the circumstances, that such an enlargement of the Act was necessary, due notice would be given, and the measure itself would be brought regularly before parliament.

LORD WALSINGHAM.] The Prince Regent's Message, recommending the services of lord Walsingham to their lordships' consideration, being read,

The Earl of *Liverpool* expressed his conviction, that it would be a waste of their lordships' time to preface his intended motion with any observations, after the vote which had already passed the other House. The ability, the integrity, the zeal and industry of the noble person alluded to, were fresh in their lordships' recollection, and they had carried the Address expressive of their approbation unanimously to the foot of the throne. He should therefore content himself with barely moving, in the present instance, for an Address, concurring in the Act of the other House of Parliament, by which an annuity of 2,000*l.* a year was voted to his lordship.

The Duke of *Norfolk* stated, that he could not content himself with a silent vote on the present occasion. The business of the House had benefitted in a great degree by the labours of the noble lord, and considerable facilities were created by his industry, to the progress both of private and public measures. He had,

indeed, so regulated and methodised the office in which he presided, that the noble lord by whom he was succeeded, would find the duties of the situation much more easy of performance than in preceding instances. His grace concluded with observing, that no pension was ever better deserved, and he was confident none would be more cheerfully paid.

The motion was agreed to *nem. dis.*

AMERICAN WAR.] On the second reading of the Exchequer bills Bill,

The Duke of *Norfolk* took occasion to advert to the state of affairs in America. The Speech of the Prince Regent, at the commencement of the session, had stated the anxious desire of his Royal Highness to put an end to hostilities with America; and if such was the desire of government, they would naturally refrain from every unnecessary expression which was calculated to irritate instead of producing reconciliation. In the Speech it was stated, that in the war the Americans had been the unprovoked aggressors. Without disputing about the question whether this was or was not the fact, the expression might have been spared; and where the object was to conciliate, it ought not to have been inserted. However, the Speech went on to state, that the war had been carried on with success; and in that respect the country had certainly been disappointed, as evidently appeared from the subsequent disasters on Lake Champlain and in other quarters. There were reports, too, that the war was carried on, not for the support of our maritime rights, or of any great principle, but merely for the aggrandizement of our territories in that country. A war carried on with such views, if they could be supposed to be the views of the British government, could not be expected soon to terminate, and could hardly be attended with ultimate success. The expense of such a war might be greater than the value of the whole in our possessions in America; and he therefore hoped that the British government would not insist upon any unreasonable concessions, but conduct the negotiation in that manner, and with those views which were best calculated to attain the grand object of a speedy and honourable termination of the contest. The noble duke also wished to know why the official accounts of the transactions at Plattsburgh were withheld from the public. It was the duty of the government

to communicate them, whenever they arrived in an authentic shape from the proper officer.

The Earl of *Liverpool* was not aware that there was any thing in the observations of the noble duke that called upon him to trouble their lordships at any length. But as to the affair on Lake Champlain, it was known when the Prince Regent's Speech was delivered, and particularly referred to in that Speech. As to the non-publication of the dispatches relative to the transactions at Plattsburgh, government had some time ago received the accounts of the one description of service, but the publication had for reasons, of which the noble duke must be aware, been delayed till the accounts of the other description of service arrived. He had now however to inform the noble duke, that the accounts of both services had been received, and that those of the military and naval service would appear in the Gazette of Saturday.

The Bill was then read a second time.

NAVAL ADMINISTRATION.] The Earl of *Donoughmore* rose, to make the motion of which he had given notice, on the subject of the naval administration of the country. The motion was for an Address to the Prince Regent, praying "that he would be graciously pleased to lay on the table, copies of representations made to his Royal Highness on the want of protection to trade, by the merchants and ship-owners of Liverpool, Glasgow, Port-Glasgow, Greenock, and London." The object of this motion was to show, that there existed in the country an impression that the naval department had been improperly conducted.

Viscount *Melville* did not mean to oppose the motion; indeed he stood pledged to their lordships to agree to it: but he now expressed his complete conviction that he could satisfy their lordships that the general statements in these papers were unfounded. In every war some vessels must be captured; but the general statements, as far as they were intended to establish a case against the Admiralty, were entirely incorrect, as he undertook to prove when the proper occasion arrived. He ought however to state, that he was not aware of any representation having been presented to the Prince Regent from London.

The Earl of *Darnley* expressed his obligation to the noble earl near him, for

having in his absence given notice of a motion for the production of these papers. This was one of many points to which he should probably be under the necessity of calling their lordships' attention, before they went into that inquiry to which he was anxious to bring the utmost impartiality, and, if he might use the expression, a judicial mind. The noble lord had, with great candour, promised every possible information on the subject, and he had no doubt would willingly supply it. He did not wish this to be taken up as a party question; but an impression certainly prevailed, that there had been some mismanagement in the naval department, and it was therefore fitting that there should be inquiry, especially after the disasters which had taken place. It was due to the brave officers and men who had fallen in the unequal contests to which they had been driven, that the matter should be thoroughly sifted. One subject on which it would be necessary to have some information was, the building of a class of vessels for the purpose of contending upon more equal terms with the American sloops of war. These, instead of answering their purpose, had, if he was rightly informed, been found to be almost useless. He might be mistaken on this point, but at all events it was necessary that information should be procured respecting it upon which the House could rely, that it might be ascertained whether, after the experience which the Admiralty had derived from the disasters that had happened to some of our frigates, all this expense had been incurred without having answered any good purpose whatever. On this and other points he should probably submit motions to their lordships.

The Address was agreed to.

The Earl of *Donoughmore* then stated, that he had another motion to make connected with the same subject, for which a precedent had occurred at the period when lord Sandwich was at the head of the Admiralty. The motion was for the weekly accounts of the state of the naval force under sir Alexander Cochrane on the American station, from August last inclusive, up to the latest period at which the same could be made up. The reason why he moved for this return was, that he understood that representations had been made, that the *Leander*, which had been stationed off Boston to watch the Constitution American frigate, had been so much in want of stores, that if the Con-

stitution were to weigh anchor, it would be impossible for the *Leander* to give chase. The noble lord at the head of the Admiralty could perhaps inform the House, whether there was any foundation for this report.

Viscount *Melville* stated, that he must decidedly object to the noble earl's motion. It had been stated, that there was a precedent for it, when lord Sandwich was at the head of the Admiralty. Whether there was a precedent for such an account being granted he did not know—he had certainly never seen it; but, at any rate, to give an account of the state of our naval force off a hostile station, of what that force was now, had been at no distant period, and was likely to be for some time to come, would be attended with so much mischief, that it was impossible, as he apprehended, for their lordships to agree to this motion. With respect to what the noble earl had stated in regard to the *Leander*, he could only say, that he never had received any information of the description to which the noble earl had adverted. Judging, however, from probabilities and the nature of the case, he must say, that it was extremely unlikely that the *Leander* should have been in want of stores, as the noble earl had stated. That ship was in a place where any stores that she might want could easily be supplied, and where they had been supplied on former occasions: and the whole story was so excessively improbable, that he certainly gave it no credit whatever.

The motion was then put, and negatived.

PRESERVATION OF THE PEACE IN IRELAND.] The Earl of *Donoughmore* begged to call to the recollection of their lordships, that, early in the present session, he expressed a wish that something had been said, in the Speech from the throne, relative to the state of Ireland; which, at the close of the last session, was by no means satisfactory. Nothing having been said on that interesting subject, he was glad to find that a full exposition had been made, in another place, by a right hon. gentleman (Mr. Peel), who filled the office of chief secretary for Ireland. The statement to which his lordship alluded, was offered as the ground of a motion made by that right hon. gentleman, for an alteration of one of the two measures which he had introduced in the last session. The Bill which he sought to amend, was intitled, "A Bill for the Preservation of  
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the Peace in Ireland;" and in order to shew the beneficial effects which the measure had produced, he had entered into a statement, which appeared to him (lord Donoughmore) to be most extraordinary—statement, to which if he could give his assent, he should feel extremely happy at the successful exertions that had been made to restore and preserve the tranquillity of Ireland. The right hon. gentleman's speech was of so curious a nature, it contained assertions so extraordinary, that he had taken the trouble of examining it, paragraph by paragraph; and he would now state to their lordships the conviction of his mind on the subject: it was his duty so to do, both in justice to himself, and, he might say, for the purpose of undeceiving parliament. He trusted the House would pay that attention to the subject which it demanded—while he commented on the statement made by the right hon. gentleman, to whom he had already adverted, in another place. (Order, order).

The *Lord Chancellor* observed, that it was contrary to the usage of that House to permit observations to be made on what had been stated elsewhere.

The Earl of *Donoughmore* admitted that he was wrong in alluding to the speech in the manner he had done. He should have mentioned it as a report which he had seen published in the newspapers. What his lordship meant to do was, to state his opinion of the correctness of a declaration, made by a high official character, as to the effect of a Bill which had been introduced by him. His lordship then read the following extract from Mr. Peel's speech, delivered in the House of Commons, on the 18th instant. "At the unanimous request of a most numerous and respectable body of magistrates of the county of Tipperary, the barony of Middlethird, in that county, had been declared by the lord lieutenant in a state of disturbance, and a superintending magistrate and special constables appointed accordingly. The result had proved the beneficial tendency of the measure. - It was but on the 24th of September that the proclamation was issued, and the barony was now brought to a state of complete tranquillity; and that by no extraordinary act of rigour, but merely by putting the existing laws into greater activity. Nor had the operation of the measure been confined to the district in which it was enforced; it had extended itself to the



surrounding baronies, the inhabitants of which, anxious to avoid the expense which the appointments under the Act necessarily occasioned, exerted themselves to maintain the peace of their respective neighbourhoods. Here then was a solitary and an extraordinary spectacle in Ireland—a combination of the people to obey the laws.” The speaker went on to say—“ By factious men it had been last year insinuated, that the Preservation of the Peace Bill was proposed for no other purpose than to increase the patronage of the crown. What had taken place sufficiently rebutted that accusation.” His lordship proceeded to observe, that inasmuch as he considered this a sort of authoritative statement, and as he differed entirely from it, both as to the facts which it contained and as to the inferences deduced from them, he felt it his duty to trouble their lordships for a short time on the subject. He did not desire the House to take any thing for granted: he would produce evidence that would satisfy their lordships that the statement was erroneous; and that the right hon. gentleman having deceived himself, had taken credit for the operation of a Bill to which neither he nor the Bill was entitled. What was there in support of the right hon. gentleman’s allegations? Simply the declaration of an individual, a very respectable person no doubt—the letter of some worthy magistrate for the county of Tipperary, who perhaps took a great fancy to any chief secretary, and who, not improbably, had a hankering for the loaves and fishes which might result from the further extension of a measure, the operation of which he had described to be so beneficial. So much for the declaration of the right hon. gentleman and for the evidence by which it was supported. Now for the other side of the question. He repeated, that he did not ask their lordships to take his assertions for granted: he would prove that they were well-founded. The right hon. gentleman had forgotten to mention some facts which had recently occurred, at the time when he made his declaration that tranquillity was completely restored in the barony of Middlethird and its neighbourhood, and some facts were also occurring at the time that declaration was making, to all of which he (lord Donoughmore) would now beg leave to call their lordships attention.

The first of these facts occurred on the

1st of November. In a barony immediately adjacent to that of Middlethird, and only about twelve or fourteen miles from the town of Cashel, the head quarters of the superintending magistrate appointed under the Act for the better preservation of the peace, the house of a gentleman of large landed property, of the name of Prendergast, was broken open by a banditti, and plundered of plate, money, wearing apparel, &c.; the robbers actually remaining in the House from seven o’clock in the evening until twelve. This was one fact which the right hon. gentleman had abstained from mentioning. A few days afterwards, some desperadoes placed across the high road some trees, cars, stones, &c., and in short constructed a sort of regular fortification, for the purpose of obstructing the progress of the mail coach. The mail was in consequence stopped, two shots were fired, and two persons were wounded. All this had entirely escaped Mr. Peel’s recollection, while he was describing the perfect restoration of tranquillity in Ireland. The next fact that he should bring forward occurred on the 10th of November. It appeared, by an advertisement in the public papers, offering a reward for the apprehension of the offenders, that on that day the house of a Mr. George Dacres, a very respectable individual residing in the same barony, was broken into, and great outrages committed therein. There were two other facts also mentioned in the public papers, and they were mentioned as proofs of the activity of the superintending magistrate, and of the success with which that activity had been crowned. It seemed that on Sunday the 13th of November, on a search being made for arms, there was found in a cabin, only five miles from Cashel, under the bed of its tenant, a loaded military carbine, that had evidently been obtained by undue means. This did not exactly shew that there was, as asserted by the right hon. gentleman, a combination of the lower orders ‘to obey the laws.’ The last corroboration of the peaceable state of the country occurred on the 14th; when, on another search for arms, two guns, one of them double-barrelled, a blunderbuss, a case of pistols, and a sword were found—and found in the habitation of one of the lower orders. Was this a strong manifestation of the general disposition to tranquillity? But all this the right hon. gentleman had entirely forgotten to notice.

The noble earl said, he had now done with proofs; and he supposed that, notwithstanding their strength, he should hear the noble lord opposite declare, that Ireland was in a state of great tranquillity! But it was not alone with regard to the fact of the existing state of Ireland that he differed from the right hon. gentleman: he differed from him in many of his other statements. Among other things, the right hon. gentleman had taken great credit to himself for the way in which he had carried the provisions of the Act into effect. It seemed that he had gone to the police of Dublin for his superintending magistrate, and to the disbanded serjeants of dragoons for his special constables! Undoubtedly, this election evinced no disposition to obtain immediate patronage. But what would have been the conduct of any reasonable man, who, finding a particular district in a state of disturbance, wished to restore it as speedily as possible to tranquillity? Would he not take pains to appoint persons for that purpose, who were thoroughly acquainted with the country and with the inhabitants? Would he not do the very reverse of that for which the right hon. gentleman had taken credit?—"I robbed the police of Dublin," said the right hon. gentleman exultingly, "of a magistrate; and I ransacked the streets of Dublin for as many disbanded serjeants of dragoons as I could find." And what was the consequence? In their very first attempt to enforce the law, these persons were foiled, from their ignorance of the offending party; and though the magistrate and all the fifty constables were out upon the hunt, the individual of whom they were in quest eluded their search, and ultimately escaped. There was another statement made by the right hon. gentleman, on which he most completely disagreed with him. The right hon. gentleman said, that two measures having been enacted, the one of great severity, the other of lenity, he had abstained from carrying into execution the severe measure, and had enforced the lenient one alone. Now, on this point he differed from the right hon. gentleman altogether. He did not think the Insurrection Act severe, nor did he think the Act for the Preservation of the Peace lenient. What was the real nature of these two Acts? What was the tendency of the Insurrection Act? It was a temporary measure—the duration of it being limited to two years. It created a

number of new offences, subjecting the offenders to transportation for seven years. In the Insurrection Act, which existed before the Union, the offenders under the Act were not to be tried by a jury. In consequence of the interposition last session of an hon. gentleman in another place, the offenders under the Act then passed were entitled to the benefit of a trial by jury. By the Act of last session also it was provided, that a serjeant at law should preside at the trial. The offenders under the Act were, persons taking or administering unlawful oaths, persons seizing arms, persons found at unseasonable hours out of their own places of abode, persons absent from their own homes, and unable to show that they had been lawfully employed. Upon the whole, it was not an Act of great severity, nor could it be enforced without a representation from the county itself to which its provisions were to be applied. It was necessary that a meeting of magistrates should first be called, and that a majority of those magistrates should intimate it to be their opinion that the operation of the Act was demanded by circumstances. It could not move directly from the crown.

So much for the Insurrection Act. What was the nature of the Act for the Preservation of the Peace? It was a bill of taxation. It went to take from those who had property, because that property was attacked, the means of punishing individuals who had no property to lose. It gave to the government of Ireland, without any previous requisition or representation from the magistracy, the power of declaring a barony in a state of disturbance, and of taxing that barony accordingly. It gave them the power so to proclaim every barony in every county of Ireland. Thus the lord lieutenant and the chief secretary, and a small number (he believed three or four) of the privy council, might, if they thought fit, without any previous application whatever, declare the whole kingdom of Ireland to be in a state of disturbance! The salary of the superintending magistrate under the Act was 700*l.* a year, that of the clerk 150*l.*, that of the high constable another 150*l.* Here was 1,000*l.* Then a house must be provided for the magistrate, the rent of which would probably be 200*l.*, making in the whole 1,200*l.* a year for the magisterial part of the establishment. The Bill also gave the Irish government the power of appointing fifty special constables.

bles to a disturbed barony, each with a salary of 50*l.* a year, besides the charge of horses, accoutrements, forage for the horses, &c. All this expense it was in the power of the lord lieutenant to inflict on a barony, at any moment at which he thought proper so to do. Let their lordships consider the extent to which this might be carried. On the average, there were about six baronies in each county, or about two hundred baronies in Ireland. Taking only the charge of the magisterial part of the establishment under the Act at 1,200*l.* a year for each barony, it was evident that it was in the power of the lord lieutenant, the chief secretary, and three or four of the privy council, to impose on Ireland a tax of 240,000*l.* a year. Certainly it was not at all probable that a measure so outrageous would ever be resorted to: but this power existed in the Act, and this Act the right hon. gentleman had characterised as a lenient measure—a lenient measure! by which the government of Ireland were authorised, without any previous information or affidavits, to load his Majesty's Irish subjects with so heavy a burthen! It should be considered also, that the fifty constables in each barony might be made to constitute an army of 10,000 men.

Such was the measure, which he found it impossible to call one of lenity; and so far was he from thinking that the right hon. gentleman had acted judiciously in the selection, that if either of the measures was necessary, he was satisfied that the right hon. gentleman had chosen to enforce the worst. If patronage, indeed, were the object in view, the right hon. gentleman had exhibited great discernment; for, having to determine between a measure of punishment and a measure of patronage, he had rejected the measure of punishment and had adopted the measure of patronage—and great patronage too, if the right hon. gentleman had a mind to carry it to its full extent. For his part, he did not think that either measure had been necessary; and those who believed the right hon. gentleman's statement, must be assured that such was the fact; for could any man gravely assert, that a part of the country declared by the Irish government to be in a state of disturbance on the 24th of September, could have been very seriously disturbed, when it was stated, that, in the interval between the 24th of September and the 18th of November, the day on which the right hon.

gentleman made his speech, not only had that district regained its tranquillity, but all the surrounding districts had combined to maintain it? He was persuaded that the person by whom this statement had been made, believed it to be well founded: he was sure that that person entertained the best intentions. But the fact was, that having deceived himself, he had grossly deceived the public.

Adverting to the meeting of the magistracy in his own county, at which the majority had voted in favour of the Act for the Preservation of the Peace, the noble earl expressed his conviction, that many of the respectable individuals there assembled, were not exactly aware of what they were doing, but thought they were voting for the other measure, the Insurrection Act. He confessed that he wished the legislature and the government would resort to other means of restoring and preserving tranquillity in Ireland. It was well known to every body, that the disturbers were chiefly to be found in the lower orders. If he might venture to offer his humble advice, it would be to quiet their complaints by redressing the evils of which they complained; by taking care that the laws should be executed impartially; by guarding against the effect of any invidious and injurious distinctions; by not permitting it to be suspected that particular individuals were treated with particular favour; and by shewing that every man had an equal right to the benefits of the constitution under which he lived. Their lordships would hardly believe him, when he should state one fact with respect to the appointment of sheriffs in Ireland. In their understanding (confirmed by frequent observation in this country) it was an office forced by government on persons who were qualified for the situation, and in whom confidence might safely be reposed. Not so in Ireland. In Ireland that high office was a matter of great patronage. To give a shrievalty in Ireland, was to confer a favour. In some counties it had, for a number of years, gone on in a particular line, one person having enjoyed it, with the exception of two or three years. How did their lordships think the office of sheriff in Ireland was filled up? The sheriff was appointed by the under-sheriff! The solicitor, who was the under-sheriff—the person who received all the emoluments for the execution of the law, and not unfrequently for abstaining from the

execution of the law—was the nominee! In Great Britain the sheriff had no patronage: In Ireland, he had. In Ireland the grand jury had the power of taxation: the grand jury were named by the sheriff, and of course it happened that they were sometimes selected in a most partial manner. He would state a case in support of this assertion: it was that of the brother of lord Lismore, who possessed the largest property of any man in the county in which he resided, but who, in the appointment of the grand jury for that county, was constantly passed by the sheriff, and thus prevented from having any control over that in which he had so great an interest. To remedy this evil, and the grievance which resulted from it, would be one great means of pacifying Ireland; and there were many other acts of grace and of justice, the performance of which would essentially contribute to that desirable object. He was willing that a fair patronage should be given to government; but he was not willing that the rights and privileges of his unfortunate country should be thus scandalously and disgracefully put up for sale.

A word or two more, and he would cease to trouble their lordships any further. Ireland had been unfortunate in the measures of police which had been adopted with respect to her: let their lordships remark how she stood with respect to taxation. In the only measure of taxation agreed to in the last session of parliament with reference to Ireland, a right hon. gentleman, for whom he entertained a great respect, had declared, as the first act he did in the present session, he had committed a great error. The consequence was, the repeal of that only measure of taxation, namely, the Act imposing a duty on the importation into Ireland of glass and wood. Unquestionably, the repeal of that Act was most loudly demanded; for as the Act which he had that night been discussing was called, 'An Act for the Preservation of the Peace in Ireland,' so the Tax Act of last session might justly have been called, 'An Act for the Prevention of Improvement in Ireland.' This was the consequence of postponing measures of importance to a late period of the session, when they were huddled together and gone through without due examination and deliberation. Without meaning to complain of the executive authorities of Ireland, he could not help lamenting the perseverance in a practice which

in his mind would be 'more honoured in the breach than the observance,' of making it the first step of a young gentleman who devoted himself to politics, to involve himself in all the complicated business of the Irish government. The times had been, when it was considered necessary to appoint to situations of that description persons of sound and tried discretion. Such was a better usage than that which at present prevailed, of filling them up with young men, who might be indiscreet, and who might be ignorant of the delicacy with which it was necessary to treat the Irish character, and deficient in that sort of talent necessary for the due discharge of a trust of such difficulty and importance. And here he could not help adverting to a piece of intelligence announced in the papers—an alteration in the excise, which, in his opinion, if it were well founded, would do more harm to Ireland than all the measures of the right hon. the chief secretary would do her good, were he to remain in office twice as long as any of his predecessors. He alluded to the rumoured resignation of Mr. Maraden, which was stated in the public prints to have arisen from a want of co-operation with that gentleman on the part of the head of the government, and to heats which were generated by some unfortunate disputes. He might be a bad judge; but as he had long been in harness in Ireland, having been first commissioner of the revenue for several years, he might perhaps be suffered to give an opinion on this subject; and he would say, that although he had had but little personal connexion with Mr. Maraden, he felt it difficult to express the sense which he entertained of that gentleman's extraordinary talents, indefatigable zeal, and unimpeachable integrity; and that he could not conceive that Ireland was susceptible of a greater public loss than by his secession from the office, the important duties of which he had so long and so ably discharged. His lordship concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, praying that he would be graciously pleased to give directions that there be laid before the House, copies of such communications to the chief secretary for Ireland, as authorized him to notify to parliament the restoration of tranquillity in the only barony of Ireland to which the provisions of the Act of last session for the preservation of the peace in



Ireland had been applied; and also to make a further statement of the benefits resulting to the adjacent baronies by the combination of the people to obey the laws; all which had occurred within the short interval between the 24th of September, when the lord lieutenant declared that barony to be in a state of disturbance, and the 18th instant, the day in which the communication was made to parliament by this confidential servant of the crown."

Viscount *Sidmouth* declined to enter into any consideration of the speech of the noble earl, being persuaded that, consistently with the forms and usages of the House, the noble and learned lord on the woolsack could not put from the woolsack such a motion.

The *Lord Chancellor* observed, that there was no member of that House who held the office of chief secretary of Ireland, and that no statement could have been made to parliament by the chief secretary which could be recognised in that House. He therefore could not put such a motion from the woolsack, unless ordered so to do by their lordships, and then he should feel it his duty to move the previous question.

Viscount *Sidmouth* remarked, that the previous question could not be moved, unless the main question was first put, which, he contended, in this instance could not be done.

The *Earl of Liverpool* observed, that the noble earl might attain his object of bringing on a discussion on the subject, by framing a motion in another shape.

The *Earl of Donoughmore* said, he would shape his motion in another form; and his first motion being withdrawn, his lordship then moved for "copies of all communications, if any, to the lord lieutenant of Ireland, or his chief secretary, announcing the happy event of perfect tranquillity being restored in the only barony to which his excellency had thought fit to apply the provisions of the Act, commonly called, Mr. Peel's Bill, for the Preservation of the Peace in Ireland." [The expression, "commonly called Mr. Peel's Bill," was objected to by the earl of Liverpool.] The earl of Donoughmore observed, that it was commonly called by that name. [The earl of Liverpool said, that it might be so in common acceptance, but it was not usual so to characterize in parliament an act of the legislature.] The earl of Donoughmore agreed to omit the expression and that

part of the motion, and that it should stand as follows:—"That there be laid before the House, copies of all such communications to his excellency the lord lieutenant of Ireland, or his chief secretary, as have announced the complete, or any restoration of tranquillity, in the only barony in Ireland, that of Middlethird, in the county of Tipperary, to which it had been thought necessary to apply the provisions of the Bill of the last sessions, intituled, an Act for the Preservation of the Peace."

Viscount *Sidmouth* observed, that he could not but consider the noble earl, throughout the greater part of his speech, to have infringed upon the spirit of the orders of the House, though he had avoided violating the letter of them; and he put it to their lordships, whether the noble earl, in detailing and commenting upon a newspaper report of what was stated to have passed in another place, had not, in fact, acted contrary to the spirit of their orders; although by the mode in which the noble earl had formed his observations, he had avoided the direct violation of the letter of those orders. He should be deviating into the same irregularity which he had complained of in the noble earl, if he were to comment upon the statement alluded to by that noble earl; but he felt himself called upon to say, in justice to his right hon. friend, that the report referred to by the noble earl was erroneous; not that he knew what the statement was that was made by his right hon. friend, the chief secretary for Ireland, in another place; but it was impossible the report could be correct, consistently with the official communications from his right hon. friend to him (lord Sidmouth), and which stated, not the restoration of perfect tranquillity, but only in the comparative degree, that the district alluded to was more tranquil than it had been. It was evident, therefore, that the statement alluded to by the noble earl must be erroneous. There was also another particular referred to in that report, which he was surprised the noble earl should not, from his local knowledge, have known to be incorrect; he alluded to the time when the Act for the Preservation of the Peace was carried into execution in the barony of Middlethird, which was not the 24th of Sept., but the 4th of Sept. The noble earl had asked, why the government had not chosen in preference the Insurrection Act? [lord Donoughmore observed, "if either were necessary"] and which he thought fit to characterise as the

most lenient measure, but which he (lord Sidmouth) must consider as the most rigorous measure of the two. By the Insurrection Act, that happy privilege, the trial by jury, was not, as stated by the noble earl, given to the subject; it was, on the contrary, only to be allowed with the consent of the judge of the court. The Insurrection Act was, therefore, in every respect the more rigorous measure; whilst, on the other hand, the object of the Preservation of the Peace Act was only to administer the law as it stood with greater effect. It besides was not optional with the government to carry into effect the Insurrection Act, as it could only be put in force upon the representation of five magistrates of a county, that such county was disturbed. The Preservation of the Peace, or Police Act, on the other hand, as had been correctly stated, rested entirely with the government, under the advice of the privy council, to carry into execution. In the instance, however, of the proclaimed barony, the fact was, that there was a representation of a full meeting of magistrates, to the number of forty, of the county of Tipperary, of the disturbed state of that county, expressly averring that several murders had been committed there, and praying for the execution of the Police Act. As to the outrages enumerated by the noble earl to have been committed since, he knew of no object such an enumeration could have, except to shew the forbearance of the government. Did, however, the noble earl mean to object to the nomination of the respectable gentleman (Mr. Wilcocks) who was appointed the magistrate at Cashel under the Act, or did he mean to object to the selection of the constables? Lord Sidmouth said, he was satisfied that upon these heads no valid objection whatever could lie against the government. He felt some surprise at what had been said by the noble earl with regard to his right hon. friend, knowing the respect which the noble earl had for that right hon. gentleman; but he felt it merely justice to his right hon. friend to observe, that with that rare union of firmness, temper, and moderation which his right hon. friend possessed, he knew no man better qualified for the situation of chief secretary for Ireland. With respect to the motion, he knew of no such communications as those alluded to, and therefore he should move, that the House do now adjourn,

The Earl of *Donoughmore* observed, that what had been urged by the noble Secretary of State, was so far satisfactory, with a view to the object of the motion, that it stated the report to which he (lord Donoughmore) had alluded, to be erroneous, in announcing the perfect tranquillity of the district referred to. It was, however, rather singular, that the mistake was not made merely by one person, but pervaded all the reports, as if the statement had been copied from some official document; but he was disposed to be satisfied, from what had fallen from the noble viscount, that there must have been a mistake. With respect to the meeting of magistrates alluded to, the noble viscount must have been aware, from the circumstances of that meeting, that it was not entitled to so much attention as had been paid to it. As to what he had said with regard to the right hon. gentleman who held the office of chief secretary of Ireland, he begged to be understood as not intending to convey the slightest imputation upon that right hon. gentleman. He still, however, could not help saying, that it was more advantageous for an old stager to be appointed to that situation. He must also be allowed to state, that there were other means of tranquillizing Ireland, besides those alluded to by the noble viscount.

The question of adjournment was then put, and carried.

## HOUSE OF COMMONS.

*Thursday, November 24.*

LORD WALSHINGHAM.] On the motion of the Chancellor of the Exchequer, the House went into a committee of the whole House, on the Prince Regent's Message respecting lord Walsingham's proposed annuity.

The *Chancellor of the Exchequer* stated, that it had been for many years the duty of that House to vote rewards for services of a naval or military kind: those which were now to be recompensed were of a different nature, but also highly entitled to the gratitude of the country. He then entered into a description of lord Walsingham's public services in the other House, paid a tribute to his merits, and concluded by moving a resolution, that a sum of 2,000*l.* be granted to his Royal Highness out of the consolidated fund per annum, to be settled in the most effectual manner on lord Walsingham, during the term of his natural life.

Mr. Rose joined in the tribute of praise justly paid by his right hon. friend to the merits of the noble lord. No one had higher claims to a public reward for his services.

The Resolution was then agreed to.

SLAVE TRADE.] Mr. Horner wished to put a question to the right hon. the Chancellor of the Exchequer, on a subject having a reference to the abolition of the slave trade. The continuance of this traffic, he would do his right hon. friend the justice to say, was, he believed, lamented by no man more than himself; but while he believed his right hon. friend was zealously disposed to exert himself to the utmost in effecting a general abolition, he was not sure that he could place exactly the same confidence in the noble lord, his colleague, to whom that cause was entrusted at the present Congress. There were two points on which he wished for information from his right hon. friend. By a publication of the American government to the world, of the proceedings during the negotiation at Ghent, it appeared to be stated by the secretary of state of the American government, that a number of negroes, taken by our commanders from the southern states, or seduced to desert from their masters, had been carried by them to the West Indies, and there sold as slaves. This was a charge of the heaviest nature, and if there was any foundation in it, was one which deeply affected the character of the officers employed in the American service, as well as the government of this country. It was well known, that one of the principal obstacles to the abolition in foreign states, and the foundation of the reluctance felt by them, was their disbelief of the sincerity of the English government and nation. As this charge had been made in so public a manner, he was anxious to know if there was any foundation for it; and if government were not possessed of sufficient information on the subject, he hoped they would be disposed to take the most prompt steps to ascertain the truth or falsehood of it. A great deal of time might be saved, by applying for the proofs, of which the commissioners at Ghent were declared to be in possession; for Mr. Monroe stated, that his department was in possession of ample proofs, and that these proofs had been sent to the commissioners at Ghent. For the purpose, therefore, of ascertaining the truth

or falsehood of these charges, he hoped that an application would be directly made to the commissioners for the proofs of which they were thus stated to be in possession.—It had been stated by the right hon. gentleman the other evening, that his Majesty's government had entered into a treaty of amity and friendship with the government of Spain. In answer to an expression of the wishes of the House, it had been answered by the crown, that no opportunity would be lost in negotiating with foreign states, to secure farther by treaty the abolition of the traffic in slaves. He thought, certainly, that an opportunity of that nature had occurred in entering into a treaty with Spain, for procuring the insertion of stipulations for the abolition, or at least restrictions on the trade. When he considered the situation in which the government of Spain stood with regard to this country, he was sure that a better opportunity could not have presented itself for making the attempt which had been promised by his Majesty's ministers, and that if the attempt had been made, it could hardly have been ineffectual. He was most anxious to know, therefore, if in that treaty there were any provisions for the abolition or restriction of the traffic in slaves.

The *Chancellor of the Exchequer* trusted that no doubt would be entertained by the House that the utmost efforts would be made by his Majesty's ministers for the furtherance of an object in which they were all so deeply interested as the abolition of the slave trade. He took to himself the credit of the sincere disposition in favour of it, with which he was complimented by his hon. and learned friend; and he ventured to assure him, in justice to his colleagues, that he was only one of many who all felt an equal interest with himself; and that the noble lord especially, to whom the interests of his country were at present entrusted at the Congress, had manifested in every particular the disposition which was common to himself and his colleagues, in his negotiations with the other powers of Europe. With respect to the first question of the hon. and learned gentleman, he had to state, that his Majesty's ministers had no information whatever respecting the subject to which it related. They had received no information that slaves had ever been sent from any part of the coast of America to the West India islands; and he hardly con-

ceived that any British officer could have been guilty of so black and atrocious an act as that charged in this case; that he could possibly commit such a violation of the laws against the slave trade, and expose himself to the certainty of being punished for so disgraceful and base a crime. He pledged himself to make the fullest inquiry into this case, and to prosecute with the utmost rigour of justice any persons who should have so disgraced themselves. But he hoped, that till this matter was cleared up, the House would not lightly believe it. It occurred to him, that in this instance the American government had given out this statement, however unjustifiable such conduct certainly was, with a view of striking a terror into their slaves. This was certainly much more probable than that any British officer should implicate himself in so abominable a transaction. There certainly was not in the treaty with Spain any provision for the abolition of the slave trade. It had been found impossible, in negotiating with that court, to make it sensible of what were its true interests in this respect. The House could hardly be surprised, when it considered the whole of the conduct of that court, that in this attempt his Majesty's ministers had been unsuccessful. But he assured the House, that no effort had been wanting on the part of the government of this country to induce the court of Spain to comply, with the just expectations and wishes of the people of this country.

## HOUSE OF COMMONS.

*Friday, November 25.*

**LONDON AUCTIONS PETITION.]** One of the sheriff's of London presented at the bar, a Petition from the Lord Mayor, Aldermen, and Commons of the city of London: setting forth;

"That frauds and deceptions are carried on to a considerable extent, by means of numerous auction-rooms for the sale of manufactured goods, in small lots, in various parts of the metropolis, and most of the provincial towns, to the great injury of the manufacturer, the fair trader, and the public in general; and that they have long become an intolerable public nuisance, not only by the number of persons collected together, and the cheats and deceptions there practised, but by the powerful inducements they hold out to swindling, to unprincipled persons to obtain  
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goods upon credit to defraud their creditors, and to servants to rob their employers, as well also as by the frauds committed upon the public revenue; and that they tend to encourage the manufacture of inferior and disreputable articles, to the great injury of the manufactures and commerce of the country; and which will now prove still more injurious, when we shall have to contend against the rival manufactures of other nations; and that while the persons vending at these sales elude that responsibility, as well as various taxes, which attach to the regular trader, disreputable articles are not only vended with impunity, but, as the petitioners are well informed, the auction duty is, to a great extent, evaded; and that memorials have been presented to the lords commissioners of his Majesty's Treasury, and petitions to the House, but no remedy has yet been obtained for these grievances; and that a Bill was brought into the House during the last session, and afterwards withdrawn on account of some informality, but, for causes unknown to the petitioners, the same was not again introduced; and praying the House to take these serious grievances into consideration, and to grant such relief in the premises as to them shall seem meet."

Ordered to lie upon the table.

**IRISH PEACE PRESERVATION BILL.]** Mr. Brogden brought up the report of the committee on the Bill to amend an Act passed in the last session of parliament, intituled, "An Act to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in counties, in certain cases." On the motion, that the Bill be read a third time to-morrow,

Mr. Ponsonby said, he did not rise with a view of opposing the motion; he merely wished to say a few words on the subject of the Bill. The opinion which he had formed after much inquiry was, that there never was laid before the House a statement less supported by facts in many instances, than that of the right hon. the secretary for Ireland last session, when he introduced the present Bill to the House. He was far from entertaining an idea that the right hon. gentleman had wilfully misrepresented the state of Ireland to the House; but he believed that he had given credit to the misrepresentations of others, without sufficiently inquiring into the truth or falsehood of their statements. The right hon. gentleman had  
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Westmeath. It could not be supposed that the gentlemen who composed those grand juries, were liable to the imputation thrown out by the right hon. gentleman, viz. that of being influenced by private and interested motives. He stated, that an application had before been made from Westmeath, praying for the introduction of the Insurrection Act, with which application the government of Ireland had declined to comply. It was again brought forward, signed by 36 magistrates of the county. One of the resolutions of the meeting held upon that occasion contained, he recollected, the following remarkable expression, that the well-disposed inhabitants of the county prayed to be favoured 'with the merciful operation of the Insurrection Act.' He remembered reading to the House an oath which had been taken by numbers of deluded persons, (for taking which, seven persons had been actually convicted); by which they swore to assist Buonaparté to plant the tree of liberty in the centre of Ireland, and to put an end to all tythes and taxes. He stated, at the same time, that the objects of these persons were as absurd as they were wicked; that they were not countenanced by any one person of rank, talents, or character, in the country; and that even the most deluded of the unfortunate persons themselves could not hope for success in their plans. But he added, that the delusion might be attended with fatal consequences, in the narrow circle in which it operated. He referred to the representations made by the magistrates, one of which he had read to the House; it was put into his hands by one of the members for the Queen's County (sir H. Parnell), who assured him that it was not exaggerated. He had also supported his statement by a reference to the records of the courts of justice. He had cited a case of a most dreadful combination to murder an unfortunate man, merely because he had given evidence against an offender at a former assizes. No less than eighteen persons were selected from different parishes to commit this murder, and six of them were afterwards executed for that crime. He must, therefore, beg to ask the right hon. gentleman, whether he would still persist in saying that he (Mr. Peel) had been deceived himself, and had deceived the House by exaggerated statements? There was one document which he did not read to the House, for it was not then in existence, but which he would

now read; it was the application of the magistrates, upon which the Police Act had been applied to the barony of Middlethird. Mr. Peel then read the Memorial, praying that the barony might be proclaimed in consequence of the numerous murders committed in it.

The right hon. gentleman had said, that magistrates, wishing for an increase of power, or being desirous of compensating for their own want of exertion in the discharge of their duties, or perhaps wanting to make some provision for themselves or their families, might make these exaggerated representations to answer their own purposes; but the right hon. gentleman would recollect, that the persons who had made these applications for the introduction of the Police Act, were to pay the expense of putting it in force; and he thought he might fairly set off their pecuniary interest against any wish which they might have to relieve themselves from active exertions, if even he could suppose the existence of such a wish. The right hon. gentleman, he thought, must admit, that the barony of Middlethird was in a situation in which this law ought to be applied to it, when those who were to defray the expense of putting it in force solicited for its introduction. He might also refer, in justification of the measure which the right hon. gentleman now arraigned, to the support which it met with from almost every Irish member who was present when the Bill was introduced. The member for Dublin said a few words upon the subject, but declared, that in consequence of the statement which he (Mr. Peel) had made, he would not oppose the Bill; all the other Irish members who spoke upon the subject, gave it their cordial support; and among that number was the right hon. gentleman himself. Surely, then, if he wanted any further justification of the measure in question, that justification was to be found in the general concurrence which it met with from the members for Ireland.

The right hon. gentleman had compared the present times with those of 1806; he had stated, that the Threshers then committed outrages in many parts of Ireland; that applications were made to the government to have recourse to strong measures; but the government of that day refused to comply with those applications, and that the Threshers were put down by the ordinary exertion of the laws. He had always understood, however, that so convinced

was that government, in which the right hon. gentleman held so high an office, of the necessity of having recourse to stronger measures, that when they quitted the administration, they left behind them that very Insurrection Act of which the right hon. gentleman now complained, and which was to have been brought forward by Mr. Elliot, then chief secretary to the lord lieutenant. He did not state the fact from his own knowledge, but he knew that it was stated in debate, that when the duke of Wellington succeeded to the office of chief secretary, he found the Bill for introducing the Insurrection Act drawn up, ready to be presented to parliament, by his predecessor, Mr. Elliot. It was stated on that occasion, that there was good ground for the introduction of that Bill, because the member for Dublin had said, there was a French party in Ireland. He thanked the right hon. gentleman for the credit which he had given to the government of Ireland, of not having applied this law to the purposes of patronage. He agreed in the opinion, that there could not be a more flagitious abuse of the power entrusted to the government of Ireland, than for them to have applied this law to promote their own influence or to extend their patronage. He should think that he deserved to be visited with the severest punishment, if he suffered himself to be made a party in any such transaction. He also concurred in another opinion expressed by the right hon. gentleman, that it was not expedient to select the persons who were to put this law in force, from the district to which it was to be applied.

The right hon. gentleman was correct in supposing that many applications had been made to the government of Ireland to put this law in force, but they had been refused, because it was felt that the strongest proof must be given, before the government ought to consent to the application of so strong a measure; the most indisputable evidence ought to be given, that the lives and property of the innocent inhabitants were in danger, and that the ordinary powers of the law were insufficient to protect them. He could not, however, by any means agree with one of the reasons urged by the right hon. gentleman against putting this law in force, viz. that it would give up a Catholic population to the power of an Orange magistracy. It was to him a subject of deep regret, to hear that the

right hon. gentleman, by such an expression, countenanced one of the most wicked and inflammatory statements, with respect to the Insurrection Act, and its abuse by magistrates, that had ever been made. Surely the right hon. gentleman must remember, that the law provided that a king's counsel should be sent from Dublin to assist at the trial of any persons accused under this Act, and that if any difference of opinion prevailed between the magistrates and the king's counsel, the sentence should not be carried into execution, until all the facts were laid before the Irish government. He trusted that the House would be of opinion, that this provision afforded a sufficient guard against the indulgence of these religious prejudices of which the right hon. gentleman was so much afraid, but the possible operation of which, in the manner mentioned, he never could admit.

He had now, he believed, adverted to all the topics introduced into the right hon. gentleman's speech: he wished, if he could with regularity, to say a few words upon what had passed in another place upon this subject, and upon the speech of a noble lord of the other House of Parliament. [The Speaker said, it was irregular to advert to what had passed in any other place.] Mr. Peel said, he should bow to that authority, and not attempt to evade the order of the House. He should merely say, that he had prepared a clause in compliance with the suggestion of a right hon. baronet, who wished to give government the power of narrowing the operation of this law strictly to the offending spot, in order that the innocent might not suffer for the guilty. This clause was to enable government to proclaim every part or parts of a county in a state of disturbance. He concluded with thanking the House for its indulgence, and regretting that he had been compelled to trouble it so long.

Sir John Newport said, he had always opposed the passing of the Insurrection Act, because he thought it was a most unconstitutional measure, and one that ought never to be countenanced in that House, but in cases of the most urgent and evident necessity. To his own knowledge, the powers, he might say, the very extraordinary powers, given by that Act to the magistrates, had in many instances been perverted to gratify personal resentments and private views, merely from a canorous feeling, arising from a differ-

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ence of religious principles. He thought therefore that the Act ought to be annually submitted to the consideration of parliament, in order for them to say whether it should be continued or be suffered to expire. As to the Peace Preservation Bill, he believed it had produced salutary and beneficial effects. He would always speak his mind, and declare candidly what he had perceived to be the effect of any law, though he might have opposed it in its origin and progress as an unconstitutional measure. He therefore repeated, that he believed it had produced salutary effects, even extraneous to the barony of Middlethird. He had been well informed, that there were many other districts adjoining, where a similar disposition to tumultuary proceedings had evinced itself, which had, in consequence of this Act, been suppressed, without any of the parties so pre-disposed for illegal propensities having committed themselves. On that account he should give no farther opposition to the present Bill.

Mr. *Horner* said, he had originally thought this Act, when introduced by the right hon. gentleman, a most unconstitutional one; and of the principle of it, he still entertained the same opinion: but from what he had lately heard, and particularly what had fallen from his right hon. friend who spoke last, he was inclined to believe it had been attended with salutary effects; and it gave him the highest satisfaction to find, that the Irish government had carefully abstained from acting on the very extraordinary powers with which the Act had invested them. On this account he did not feel inclined to give any opposition to the progress of the present Bill.

Mr. *J. P. Grant* said a few words respecting his reason for originally opposing it, which had been done away by the operation of the Act, and the commendable forbearance of the Irish.

The Bill was ordered to be read a third time to-morrow.

COMMITTEE OF SUPPLY—SICILY—NAPLES—SAXONY, &c]. The order of the day being read for going into a Committee of Supply,

Mr. *Whitbread* rose, and said, that he wished to avail himself of this last opportunity of bringing under the consideration of the House some topics to which he had two or three times before adverted, and upon some of which he had since obtained additional information. Before he pro-

ceeded to the main subject, he begged leave to call the attention of his Majesty's ministers to the property tax. It was understood that the right hon. the Chancellor of the Exchequer meant next week to propose an adjournment (and to carry that proposition by a vote, if any opposition were given, as most assuredly would be the case) until the end of January, or the beginning of February. The consequence would be, that a very short period would be allowed for the consideration of that most important measure the property tax, of which a continuation, either wholly or in part, was to be suggested by ministers. This appeared to him a most extraordinary proceeding—it was treating the House and the country with great disrespect: their opinions were not to be asked, but ministers were to submit their proposition, with the utmost confidence of its being immediately and implicitly submitted to; parliament being allowed to exercise no judgment or discretion upon a tax, for the termination of which its faith was solemnly pledged to the nation. [Hear, hear!] So assured of success did government esteem themselves, that notices had been given of assessments to be made to April 1816; the law expiring upon the 5th of April 1815. It remained to be seen upon what authority such demands had been made; it ought to be known that at present no regard need be paid to such information, as the law, unless revived, would die a natural death at the time stated. The question to be considered upon this point was, whether, between the beginning of February and the period for renewing the Property Tax Act, if indeed a renewal were to be allowed, sufficient time was allowed for the discussion of, and deliberation upon this very important subject.

Before the House resolved itself into a committee for the grant of any further sums of the public money, he wished once more to advert to the engagements with foreign powers, entered into under the express sanction of our plenipotentiaries, of which ministers either were, or affected to be ignorant: if they were actually ignorant, their colleagues abroad had been guilty of a gross neglect of their duty, in not transmitting those engagements; or, if they were not ignorant, and kept parliament in the dark upon such momentous points, the government here was chargeable with an offence still more unjustifiable. From what he had stated, and

proved on a former evening, it appeared that the House, in consequence of want of information, had actually voted an enormous sum of money, in direct opposition to a solemn treaty. He was happy to have it now in his power to supply some further information upon the subject of the subsidy given to Sicily, to enable her to carry on war against Naples, at the very moment when we had entered into one of the most solemn engagements with the king of Naples, to preserve to him the undisturbed possession of his dominions; thus placing ourselves in this singular situation, that we were supplying money to one power to destroy another, which other we had bound ourselves by every means in our power to uphold. In the previous discussion upon this question, he had read to the House a copy of lord William Bentinck's letter, and he now begged to call the attention of the House to certain very remarkable circumstances that took place at Chatillon. A pacification was there proposed on the part of Napoleon, who was still at the head of the French empire, by which several arrangements for the kingdom of Italy were suggested, and among others, Buonaparté was to decide the fate of the Papal dominions, and of the kingdom of Naples. To this proposition the allied powers answered, that in the affairs of Italy, France could not be allowed to interfere, as it had been already determined by treaty that the Neapolitan dominions were to be guaranteed to their present sovereign: the express stipulation was, that the four allied sovereigns had consented to guarantee his dominions to Joachim, on the conditions stated in the treaty entered into between the emperor of Austria and the king of Naples. This treaty received the sanction of all the plenipotentiaries, and, of course, of the minister from this country. Besides this confirmation, Mr. Whitbread said, he was in possession of some other circumstances of not less importance. It was known that at Leghorn a proclamation had been published by the Anglo-Sicilian forces, in which it was declared that the army of Ferdinand had landed for the purpose of conquering the ancient dominions of that sovereign. Of course this instrument had occasioned some inquiry, and a letter was sent to lord William Bentinck, written, as was asserted by lord Castlereagh, upon the appearance of the proclamation alluded to, in order to remove the unfavourable impression it was

likely to produce. It commenced by expressing his astonishment and regret at the intelligence which had been transmitted to him, which must doubtless meet with the high disapprobation of the court of Naples; it requested that lord William Bentinck would communicate to the king of Naples what measures had been taken by the British government, and ask whether his Majesty was satisfied with the indemnity that had been offered to him: if reliance were placed upon the terms of the proclamation, of course the king of Naples would be compelled to think of employing his own means, being dependent upon himself alone; that England had made such engagements with the king of Naples as rendered a strict adherence to the terms necessary; and that although she had not entered into a solemn treaty, it had been omitted only from motives of delicacy to king Ferdinand of Sicily; but that if the king of Sicily should deem it more advisable to thwart the views of the British government by making an attack upon the dominions of the king of Naples, in such a case the king of Sicily must act upon his own account, and England, having granted an indemnity, would feel herself called upon to give protection to the king of Naples, against any act of indiscretion that the king of Sicily might determine to commit. [Hear, hear!] The House would bear in mind that the letter was written by lord Castlereagh, and that it spoke the language of the Prince Regent, and of the British government. In what situation, then, were we placed? Joachim of Naples, a distinguished general, had deserted the cause of Buonaparté before all sense of honour was extinct in England, and long before the strength and resources of his former master were exhausted: such, at that time, was the power of Naples, that it was deemed politic by the mightier sovereigns to guarantee his security and independence, on condition that he would abandon the cause for which he had taken up arms; but, now the power of Buonaparté was extinguished, the power of Murat was to be extinguished also. Mr. Whitbread said, he remembered, in the early part of the Revolution, when general Dumourier first came over to the allies, the event was announced in the most pompous manner; he was extolled by prince Cobourg as one of the greatest characters of the day, nothing could exceed his generosity and magnanimity; but, next day,

against ourselves. This, however, acting on our present plan, we should do. Continuing to subsidise Sicily while at war, should Ferdinand appear on the point of accomplishing that which it was his avowed intention to effect, England, as the guarantee of the throne of Murat, would be bound to interpose by force, to restrain that hostility which her treasure supported. The right hon. gentleman had said, he would neither admit nor deny the facts which had been stated. After hearing this, he (Mr. Ponsonby) must assume they were admitted; for the most cautious minister he had ever seen in that House, (he must own he had never known a minister more cautious than the present Chancellor of the Exchequer, more guarded against answering questions, more careful not to commit himself by giving informations)—he would repeat it, the most cautious minister he had ever seen in that House would not have heard such facts asserted without denying them, if it was in his power to do so. Nothing could be more absurd than to guarantee the throne of Naples to Murat, and then subsidise the king of Sicily to dethrone him; to give him half the subsidy he had formerly received; to put the king on half pay, that he might make war on the sovereign we had undertaken to support in his kingdom. This arrangement appeared to him to be the perfection of human absurdity. The Chancellor of the Exchequer had said, he had no doubt that when the proper time arrived, ministers would be able to offer a most triumphant justification of their conduct. He hoped they would be able to do this; he hoped they would, not from any great concern that he felt on their account, but because he considered the cause of England the cause of justice; it was her interest that all the powers of Europe should possess what they were rightfully entitled to; that things should return to the old system, and that that should be given up under which France had long plundered and outraged her weaker neighbours. Whenever the time came at which ministers would give the promised explanation, whenever the oracle should speak, he trusted it would be shewn that the rights of every power had been attended to, and then they would be able to prove that they had secured the interests of this country. This established, they might boast a triumphant justification; but if they should not satisfy the House that this had been their object, he

trusted they would meet with an ignominious condemnation.

Mr. Bathurst said, that he considered that as praise which had been uttered as censure, namely, that the present ministers were most cautious not to make unnecessary disclosures. The situation of public affairs was not at all different, now that the political arrangements were making in Congress, at Vienna, from what they had been when the measures were taking for a pacification in the heart of France. The House, and the gentlemen opposite him, had then most properly reposed confidence in his Majesty's ministers; and it was plain that no negotiations could, with honour or advantage, be carried on, if they were subject to partial examinations in detail, by questions put across the table. It was on this general ground, and not from any peculiar circumstances, that answers were refused to questions which had been put. The circumstances in which the House were placed were well known: the noble lord employed in the negotiation had been appointed with the approbation of every one, and especially of the gentlemen opposite him, both to negotiate in France and to assist at the Congress. The time would come, when all things respecting which questions were at present improperly asked, would be explained; and it would then appear, that all due efforts had been made; and that if this country was not successful in all that it could have wished, it had succeeded to the extent of its just share of influence on the continental arrangements. In answer to what had been said respecting king Joachim of Naples, supposing all had happened that had been stated, the war which was carried on by Naples might as well be supposed to be for the purpose of dethroning the king of Sicily, as that carried on by the king of Sicily could be said to be for the purpose of dethroning him. There was nothing in the existing war between those two powers different from any ordinary war, which it was not contended would preclude any power at peace with one of the belligerents from paying subsidy, or even affording a contingent to the other. We had bound ourselves to protect one of the powers while at war; that the character of the war was changed was not a sufficient reason that we should withdraw that protection.

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ject had been to shew, that the relations of this country with Sicily and Naples differed much from those cases which had been referred to as similar, seeing we had specially guaranteed a kingdom to Murat, and then subsidised the king of Sicily to enable him to take it away.

Mr. *Bathurst* said, he had not misunderstood the right hon. gentleman; what he had said in answer to him was, that as the king of Naples was probably as well disposed to take Sicily as the king of Sicily was to conquer Naples, the war carried on between the two countries did not bear so distinct a character as he had seemed inclined to give it.

Mr. *Lambton* said, that there was sufficient ground for the House to withdraw that confidence in ministers, the continuance of which the right hon. gentleman claimed. There was sufficient reason to withdraw it, because their present conduct was directly opposite to the measures of the last year, because the declarations of moderation which attended the triumphant march of the allies in the last year, was most different from the acts of rapine and aggression of the club of confederated monarchs at Vienna; who appeared to have met, not to watch over the interests of Europe, but as contemners of public faith and justice, as the spoliators of Saxony, and the oppressors of Norway. The government had been accessaries to the acts of injustice committed; and after these acts had been committed, it was too much that his Majesty's tongue-tied ministers should be sheltered under parliamentary confidence. He should require some reasons before he voted the supplies demanded, besides the assertion that the disposal was in able and responsible hands. As to their ability he had some doubts, and the responsibility seemed to rest on one right hon. head. The waste and prodigality which had been complained of, was not compensated by the scanty information afforded.

Mr. *Hammersley* thought the House might well retract the confidence which had been granted to ministers, from the facts which were generally known. There was matter enough to arraign them, without waiting the issue of the negociation. He was not pleased to find fault with the administration; but in the conduct of the ministers with respect to Naples, in their thus abandoning the declarations which had been made to our old ally, when with him alone we had stemmed the tor-

rent of French power, there was a sufficient ground for censure, and he would willingly concur in a vote of disapprobation on their conduct.

Mr. *Horner* said, there was a great deal of truth in the observations which had been made by the hon. gentleman who had preceded him, that we had a right, even now, to expect some explanations; nor would any one who had attended to the proceedings of similar Congresses say, that if they were not finally settled within such a period, all explanation of the state of our foreign relations should be till then deferred; and if the present Congress was to last as long as those which had been held at Munster and elsewhere, and we were to give, in the mean time, large sums to foreign powers—a half million to this power for a fleet, and so much to another as a subsidy; it would be convenient to the foreign powers to receive these sums, and to the ministers to get them voted, without any statement. As to the pretence which had been made for giving no answers with regard to Poland and Saxony, it did not at all apply to the treaty with king Joachim. That was past; the question was not, whether such a thing was to take place, but, aye or no, whether it had already happened? Aye or no, whether we were not acting contrary to it? This was a subject, therefore, on which the House had a right to demand information, not only as it regarded the subsidy, but the honour and faith of the crown in its foreign relations, which should ever be dear to the House. In the course of the present evening, the right hon. the Chancellor of the Exchequer had stated, that he did neither admit nor deny the existence of our engagements with king Joachim. A singular variation from his declaration on a former evening, when he had said that he was a stranger to it! An expression equivalent to a denial, when proceeding from a responsible minister of the crown in the House of Commons; for it could not be supposed that that minister would be ignorant of such engagements six or seven months after the time when they were said to have been concluded. The House, he hoped, would bear in mind the conduct of the minister of the crown with respect to these engagements—that he had first denied their existence, and that his second statement was, that he neither admitted nor denied them. It was too late at present to bring forward such an evasion; they had already voted the



subsidy. It was said, that we had engaged to pay a subsidy to Sicily while she continued at war. Now, to put an extravagant supposition, but which the reasoning of the gentlemen opposite seemed to justify, if Sicily were to make war upon ourselves, were we to continue the subsidy to her? A treaty of subsidy, like any other engagement, was to be construed according to its spirit and meaning, taking into account the circumstances of the case, and the situation of the country. But two cases had been brought forward as parallel, the conduct of this country towards Spain after the breaking out of the late war with France, and the situation of Austria towards Russia in 1812. In both these cases, which were most properly lumped together, the question was, whether one power had given another a sufficient ground of war, by a pecuniary aid to its adversary in one case, and of a contingent in another. It was absurd to compare those cases with our present engagements towards Naples and Sicily. In both those cases the question was one of expediency merely. In the one, whether we should engage Spain in a contest out of which it was our interest to keep her as long as possible, although we perceived that the government of the Prince of Peace was merely a lieutenancy under Buonaparté; and in the other, Russia was most anxious to keep Austria neutral at any price, looking forward to that accession of her power, which ultimately took place. In neither of those cases was any engagement of honour in question—expediency was the only point to be considered. In the present instance, we had guaranteed to the king of Naples the territory of Naples, with an addition even of territory, which would explain his present movements on the shores of the Adriatic, in the march of Ancona and the duchy of Romagna. We had not pledged our honour to him on this subject gratuitously, but we had value received for our stipulation. We had not rushed into the arms of Joachim Napoleon, from any wish to secure those persons who had been raised on the ruins of the ancient dynasties, but because he had assisted us to overthrow the power which had raised him. We had received his co-operation in Italy, without which the movements of the allies, as well on the Rhine as in Italy, would have been embarrassed. Even at the time when lord Castlereagh gave instructions to lord William Bentinck to conclude the

engagement with Joachim, the co-operation of that monarch was, he understood, necessary, to render the position of count Bellegarde, on the Mincio, secure. The state of our engagements with Joachim was this:—In April last, a treaty was concluded between Austria, which was presented to lord Castlereagh, for his concurrence. That noble lord returned that treaty with alterations in his own handwriting, which secured an indemnity to the king of Sicily for Naples, which territory was left to king Joachim, provided king Joachim should withdraw his claims upon Sicily. The treaty, thus altered, was agreed to by Naples; and lord Castlereagh, at Dijon or Chatillon, signified his concurrence in it, and stated, that the only reason why he did not formally accede, arose from motives of delicacy to the king of Sicily; but that, on his faith and that of England, he pledged himself that that treaty should be acceded to, and a peace, if possible, negotiated, *pari passu*, between the king of Sicily and Murat. The noble lord did not rest there, but instructed lord William Bentinck to give the same assurance in writing which he had given verbally; and in consequence of the strange proclamation at Leghorn, he wrote a dispatch to remove the possibility of doubt; to instruct lord William Bentinck to disavow that proclamation to the Neapolitan minister; to assure him again, that Great Britain would accede to the treaty with Austria; and that, if Ferdinand would not accept an indemnity for Naples, Great Britain would not only desert him, but would support Naples against him. And so strong was the feeling in Italy on this subject, that the queen of Naples, the sister of Buonaparté, made a declaration (which as coming from her was rather curious), that she would rather confide in a declaration of a British general, than a solemn treaty signed and sealed with any other power. Such was the statement, which had neither been admitted nor denied: and if it was true, he would put it to the House, whether it was not a violation of honour and good faith, to send money to Sicily, to enable her to recover that territory which we had guaranteed to another power?

Mr. Wellesley Pole said, he perfectly concurred in the opinion of the right hon. gentleman (Mr. Ponsonby) that the cause of honour and justice formed the true interest of England; and he flattered himself that, whenever the proper oppor-

tunity arrived for the House to be put in possession of, and to examine into the whole conduct of his Majesty's ministers in these negotiations, it would be found that they had, in every instance, advocated the cause of truth and justice; that whenever they had the power they had succeeded in maintaining that cause; and that whenever they had failed, it was not for want of the exertions of our negotiators abroad, or of proper instructions from the government at home. When this subject was under discussion on a former night, he had stated his sentiments to the House; and, notwithstanding all he had heard to-night, he was not in the least shaken in the opinion which he had before expressed, viz. that the ministers of this country would be guilty of a gross dereliction of their duty if they were, in answer to the reiterated questions of the gentlemen on the other side, to give to the House and to the country imperfect information, and they could give no other. If, because gentlemen tried to throw ridicule upon them for not answering questions, which ought not, under the present circumstances, to be answered; or for not explaining that which ought not to be explained, they were induced to depart from that line of conduct which their duty presented to them, they would shew themselves to be unfit for the situations they held, and unworthy of the confidence of the country. The hon. gentleman who spoke first, had, in his opinion, treated the noble lord, who was now absent, rather hardly: he had distinctly approved of his appointment, both on a former, and on the present occasion, to negotiate for the interests of this country abroad, and had expressed an opinion, in which the whole House concurred, that a more proper person could not have been selected. But scarcely had the hon. gentleman finished his panegyric upon the noble lord, before he went into an attack upon the whole of the proceedings in which he was engaged, and had called upon ministers to give an explanation upon almost every point in negotiation upon subjects now in progress, not one of which was finally closed. The hon. gentleman had thought proper to state, what he was pleased to call the opinions of the emperor Alexander (upon what authority he knew not) respecting the independence of Poland; and had added, that the noble lord (Castlereagh) had opposed those opinions. It was impossible to use stronger language than

that which the hon. gentleman had applied to this supposed conduct of the noble lord. Was it fair—was it just—was it candid, without a single document before the House, without even the knowledge that the Congress had met, thus to arraign the whole conduct of that noble lord, upon a subject about which he would venture to say that hon. gentleman did not know a single tittle? It was impossible to conceive any thing more unfair than thus to throw out censures, when there was no information before the House, and when the hon. gentleman knew that ministers were precluded by their duty from giving an answer. If he wanted any additional reason to confirm his opinion of the propriety of the conduct of ministers in refusing to answer these questions, the gentlemen on the other side had furnished him with it. In what a situation would the country be, if ministers were bound to answer, pending the negotiation, questions which only tended to inflame and mislead the public mind. That was not, he dared say, the intention of those gentlemen; but that must be the inevitable result. The hon. gentleman had attacked the noble lord upon the subject of Saxony, taking it for granted, that the whole affair respecting that country was settled; founding his knowledge upon what he had seen in pamphlets and newspapers, without a single document before him or the House, and knowing that ministers could not now produce any, or reason upon, or even hint at, any of which they might be in possession. Gentlemen were very anxious to obtain information respecting Sicily. Upon the subject of a subsidy, the House undoubtedly had a right to demand information; but the principle upon which that subsidy was granted, had been fully and distinctly explained; and he must say, with all deference to the hon. and learned gentleman (Mr. Horner), for whose talents he entertained the highest respect, that his speech furnished the strongest reasons for not giving any further explanation respecting Sicily and Naples, until the arrangements were settled; aye, and until the noble lord was pressed to explain the whole transaction. That hon. and learned gentleman had taken rather a different view of the subject from some of his friends; for the tendency of his speech was to shew how high the character of the British negotiator stood upon the continent. It was reported, that there

when it was found that his army had not deserted with him, the contrast was striking; he was decried and vilified as the most infamous of mankind, with whom it was unfit that any communication should be held. Mr. Fox had well said upon the occasion, that it seemed that general Dumas, with his power, had also lost his character and virtue. Such seemed to be the case with the king of Naples; but it would ill become the House of Commons to vote a sum of money, the object of which was to forfeit the honour of the country; and were it now possible, it would be well if the resolution could be withdrawn. Having obtained this information, he thought it right to disclose it to ministers, that, if they were in ignorance, they might avail themselves of it: those who had kept them in the dark, ought hereafter to be called to a severe account.

There was still another subject, upon which he wished to put a question, even though he scarcely hoped to obtain an answer; for, if it were not injurious to the public service, the reply might be detrimental to private convenience. Lord Castlereagh had now been absent some months, and nothing had been done at the Congress. The question he wished to put, whether, up to the 25th of the last month, any thing had been determined at Vienna; more than had been arranged on the same day of the preceding month? Was the general pacification of Europe one step nearer then, than at the time of the departure of the British plenipotentiary? If no progress had yet been made, there might be good ground to hope that the proclamation of prince Reptin regarding Saxony was not genuine, and that the fate of Poland was not yet decided. In the catalogue of mighty works to accomplish, there was none of greater magnitude than the question, whether that unhappy country was to be formed into an independent kingdom? Certain it was, that at some period or other it would be independent; and it would then take signal vengeance upon those who had been the authors of its calamities, if satisfaction were not voluntarily made. From sources of information not official, and liable to contradiction, it was stated that the emperor Alexander had added an additional grace to his character, by supporting the claims of Poland to independence; and from the same source it was asserted, singular as it might appear, that his antago-

nist in this project was the ambassador of Great Britain. [Hear, hear!] He trusted as fervently that the latter part of the intelligence was unfounded, as that the first part of the relation was established in truth. If the emperor Alexander, besides the splendid triumphs he had gained, had added this fresh glory to his character, in what a disadvantageous contrast must the noble lord appear, who was resisting this plan of liberty and happiness! With regard to the subject of the honourable engagement with Naples, if ministers were in possession of the intelligence which he had supplied, and had in the teeth of it required the vote for a subsidy to the king of Sicily, he would arraign them at the bar of their country. Mr. Whitbread concluded by pleading the urgency of the case, as a justification for the present as well as former applications for information relative to the existing state of public affairs. [Hear, hear!]

The *Chancellor of the Exchequer* complained of the manner in which these topics were urged, two, three, and four times over, without being regularly brought before them; and begged once for all to say, that on most of them his opinion was, that at present no information ought to be given to the House. On the subjects now under discussion at Vienna, he could not and ought not to open his lips; and with respect to one point that might be regarded as detached from them—that relating to the engagements entered into by this country with the present reigning family of Naples, he need only to refer to the hon. gentleman's own statement to shew (assuming it to be correct), that nothing had been done on the part of England to which the most scrupulous delicacy could object. Supposing we had bound ourselves to make peace with Naples under its present sovereign, and supposing we continued to fulfil our previous engagements with Sicily, the two countries, Sicily and Naples, being at war (these facts he should neither admit nor deny), was there in this state of affairs any thing done on our part that was not justifiable, that had not a precedent? That two countries might be at war, and a third, at peace with both the belligerents, assist one of them to a certain degree, without being considered to give the other cause of war, was that which had frequently been seen, though the hon. gentleman had spoken of it as if it had been

that which no man had ever heard of before. At the commencement of the late war, Spain being connected with France by a treaty of alliance, we had acknowledged her to have a right to furnish France with supplies in money, and even with men, so she did not exceed the amount and number which she was bound by treaty to furnish. It had been notified to Spain, that this would not be regarded as an act of hostility, but that if she went beyond this, her conduct would be regarded as tantamount to a declaration of war. The Spanish fleet had been put under the command of a French officer, and the whole resources of the kingdom of Spain seemed about to be added to the means of Buonaparté, before war was declared by this country. In 1812, Austria had furnished Buonaparté with a force of thirty thousand men to act against Russia; but this had not been viewed by the latter power as a just ground of war, Austria having been bound by a treaty of alliance to supply the force which she then brought forward, and not having exceeded the quota she had engaged to furnish. England, by a treaty long ago concluded and notified to parliament, stands bound to succour Sicily. We fulfil this engagement by giving part, and only a part, of that subsidy which she formerly received. If we did no more than this in opposition to the interests of Naples, the government of Murat could have no reason to complain. This statement he thought would be satisfactory, even if the information of the hon. gentleman were admitted to be correct: it must be clear, that government in this instance had done nothing wrong. But he could not refrain from observing, that it was found very inconvenient to have these subjects so repeatedly brought forward in this way. At present, his Majesty's ministers could not with propriety enter upon that explanation which they could wish to give; but when the proper time arrived, he doubted not it would be in their power to offer a triumphant justification. On the subject of the adjournment, he had to offer a few words. The state of the public business was such, that he thought they might shortly separate. The adjournment might be moved some day in the next week, in case the bills should then have been passed by the House of Lords; the period at which they should again assemble was open to consideration. It was the wish of ministers that they should meet sufficiently early to

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give due consideration to those great questions which must be brought forward early in the session. With respect to the property-tax, he had to observe, that the notices recently issued by the commissioners would have been at once explained to the hon. gentleman, if he had turned to the Act. The right hon. gentleman then read the words of the Act, and stated, that from the year 1806 it had been judged expedient, in order to avoid the trouble and inconvenience of making a new assessment every year, to assess the property-tax for two years from time to time; but the assessment would not be acted upon, though the amount of the charge were made out for a year beyond the period at which the Act was expected to expire. This stated, the notices recently sent round, he hoped, would create no alarm.

Mr. *Ponsonby* thought he had never heard a more unsatisfactory explanation of any thing, than the right hon. gentleman who had just sat down, had given of the situation in which this country stood with respect to Sicily and Naples. He had said, "You may be at peace with two belligerents, and assist one of them in consequence of a treaty of alliance, offensive and defensive, to a certain extent, without giving offence to the other." He had quoted as instances of this, the conduct of England with respect to Spain, at the commencement of the late war, and that of Russia with respect to Austria, in 1812. The right hon. gentleman might have brought forward a hundred other cases of a similar nature, but these would have been nothing to the point in question. For what was the real state of the case? Austria had concluded a treaty with Naples, in which she guaranteed the possession of that kingdom to Murat. Sicily was at war with him, and king Ferdinand declared that he would force Naples to submit to him. In pursuance of this resolution, he commenced hostilities against Joachim; and we furnished him with a subsidy, to enable him to dethrone the monarch, whose throne we had guaranteed. We thus agreed to support one king, and then paid another to dethrone him. He had said on a former evening, that if we were bound, under all circumstances, to subsidise Naples while at war, we might at last have to pay her for fighting against our allies; but he had not thought it possible we could carry our folly so far as to pay her for fighting

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against ourselves. This, however, acting on our present plan, we should do. Continuing to subsidise Sicily while at war, should Ferdinand appear on the point of accomplishing that which it was his avowed intention to effect, England, as the guarantee of the throne of Murat, would be bound to interpose by force, to restrain that hostility which her treasure supported. The right hon. gentleman had said, he would neither admit nor deny the facts which had been stated. After hearing this, he (Mr. Ponsonby) must assume they were admitted; for the most cautious minister he had ever seen in that House, (he must own he had never known a minister more cautious than the present Chancellor of the Exchequer, more guarded against answering questions, more careful not to commit himself by giving informations)—he would repeat it, the most cautious minister he had ever seen in that House would not have heard such facts asserted without denying them, if it was in his power to do so. Nothing could be more absurd than to guarantee the throne of Naples to Murat, and then subsidise the king of Sicily to dethrone him; to give him half the subsidy he had formerly received; to put the king on half pay, that he might make war on the sovereign we had undertaken to support in his kingdom. This arrangement appeared to him to be the perfection of human absurdity. The Chancellor of the Exchequer had said, he had no doubt that when the proper time arrived, ministers would be able to offer a most triumphant justification of their conduct. He hoped they would be able to do this; he hoped they would, not from any great concern that he felt on their account, but because he considered the cause of England the cause of justice; it was her interest that all the powers of Europe should possess what they were rightfully entitled to; that things should return to the old system, and that that should be given up under which France had long plundered and outraged her weaker neighbours. Whenever the time came at which ministers would give the promised explanation, whenever the oracle should speak, he trusted it would be shewn that the rights of every power had been attended to, and then they would be able to prove that they had secured the interests of this country. This established, they might boast a triumphant justification; but if they should not satisfy the House that this had been their object, he

trusted they would meet with an ignominious condemnation.

Mr. Bathurst said, that he considered that as praise which had been uttered as censure, namely, that the present ministers were most cautious not to make unnecessary disclosures. The situation of public affairs was not at all different, now that the political arrangements were making in Congress, at Vienna, from what they had been when the measures were taking for a pacification in the heart of France. The House, and the gentlemen opposite him, had then most properly reposed confidence in his Majesty's ministers; and it was plain that no negotiations could, with honour or advantage, be carried on, if they were subject to partial examinations in detail, by questions put across the table. It was on this general ground, and not from any peculiar circumstances, that answers were refused to questions which had been put. The circumstances in which the House were placed were well known: the noble lord employed in the negotiation had been appointed with the approbation of every one, and especially of the gentlemen opposite him, both to negotiate in France and to assist at the Congress. The time would come, when all things respecting which questions were at present improperly asked, would be explained; and it would then appear, that all due efforts had been made; and that if this country was not successful in all that it could have wished, it had succeeded to the extent of its just share of influence on the continental arrangements. In answer to what had been said respecting king Joachim of Naples, supposing all had happened that had been stated, the war which was carried on by Naples might as well be supposed to be for the purpose of dethroning the king of Sicily, as that carried on by the king of Sicily could be said to be for the purpose of dethroning him. There was nothing in the existing war between those two powers different from any ordinary war, which it was not contended would preclude any power at peace with one of the belligerents from paying subsidy, or even affording a contingent to the other. We had bound ourselves to protect one of the powers while at war; that the character of the war was changed was not a sufficient reason that we should withdraw that protection.

Mr. Ponsonby said, the right hon. gentleman had misunderstood him. His ob-

ject had been to shew, that the relations of this country with Sicily and Naples differed much from those cases which had been referred to as similar, seeing we had specially guaranteed a kingdom to Murat, and then subsidised the king of Sicily to enable him to take it away.

Mr. *Bathurst* said, he had not misunderstood the right hon. gentleman; what he had said in answer to him was, that as the king of Naples was probably as well disposed to take Sicily as the king of Sicily was to conquer Naples, the war carried on between the two countries did not bear so distinct a character as he had seemed inclined to give it.

Mr. *Lambton* said, that there was sufficient ground for the House to withdraw that confidence in ministers, the continuance of which the right hon. gentleman claimed. There was sufficient reason to withdraw it, because their present conduct was directly opposite to the measures of the last year, because the declarations of moderation which attended the triumphant march of the allies in the last year, was most different from the acts of rapine and aggression of the club of confederated monarchs at Vienna; who appeared to have met, not to watch over the interests of Europe, but as contemners of public faith and justice, as the spoliators of Saxony, and the oppressors of Norway. The government had been accessaries to the acts of injustice committed; and after these acts had been committed, it was too much that his Majesty's tongue-tied ministers should be sheltered under parliamentary confidence. He should require some reasons before he voted the supplies demanded, besides the assertion that the disposal was in able and responsible hands. As to their ability he had some doubts, and the responsibility seemed to rest on one right hon. head. The waste and prodigality which had been complained of, was not compensated by the scanty information afforded.

Mr. *Hammersley* thought the House might well retract the confidence which had been granted to ministers, from the facts which were generally known. There was matter enough to arraign them, without waiting the issue of the negotiation. He was not pleased to find fault with the administration; but in the conduct of the ministers with respect to Naples, in their thus abandoning the declarations which had been made to our old ally, when with him alone we had stemmed the tor-

rent of French power; there was a sufficient ground for censure, and he would willingly concur in a vote of disapprobation on their conduct.

Mr. *Horner* said, there was a great deal of truth in the observations which had been made by the hon. gentleman who had preceded him, that we had a right, even now, to expect some explanations; nor would any one who had attended to the proceedings of similar Congresses say, that if they were not finally settled within such a period, all explanation of the state of our foreign relations should be till then deferred; and if the present Congress was to last as long as those which had been held at Munster and elsewhere, and we were to give, in the mean time, large sums to foreign powers—a half million to this power for a fleet, and so much to another as a subsidy; it would be convenient to the foreign powers to receive these sums, and to the ministers to get them voted, without any statement. As to the pretence which had been made for giving no answers with regard to Poland and Saxony, it did not at all apply to the treaty with king Joachim. That was past; the question was not, whether such a thing was to take place, but, aye or no, whether it had already happened? Aye or no, whether we were not acting contrary to it? This was a subject, therefore, on which the House had a right to demand information, not only as it regarded the subsidy, but the honour and faith of the crown in its foreign relations, which should ever be dear to the House. In the course of the present evening, the right hon. the Chancellor of the Exchequer had stated, that he did neither admit nor deny the existence of our engagements with king Joachim. A singular variation from his declaration on a former evening, when he had said that he was a stranger to it! An expression equivalent to a denial, when proceeding from a responsible minister of the crown in the House of Commons; for it could not be supposed that that minister would be ignorant of such engagements six or seven months after the time when they were said to have been concluded. The House, he hoped, would bear in mind the conduct of the minister of the crown with respect to these engagements—that he had first denied their existence, and that his second statement was, that he neither admitted nor denied them. It was too late at present to bring forward such an evasion; they had already voted the

had lately received not only an accession of vivacity, but of prudence also; and it appeared that in future it was proposed to cloak their ignorance under the shelter of discretion.

Mr. *Wellesley Pole* said, that in some cases, at least, it was justifiable not to answer questions. 'We will not,' added the right hon. gentleman, 'answer questions, where we cannot do so without inconvenience to the public service.'

Mr. *Whitbread* said, he should know how to distinguish between the 'will' and the 'can' of the right hon. gentleman.

The resolution was then agreed to.

SIR JAMES DUFF.] Mr. *Whitbread* was desirous of knowing when the right hon. gentleman proposed to lay before the House the papers relative to the Spaniards arrested at Gibraltar, and also whether any steps had yet been taken towards an inquiry into the conduct of sir James Duff?

The *Chancellor of the Exchequer* replied, that he should present the papers alluded to, when next he should have the honour of appearing in the House. As to the alleged conduct of sir James Duff, he had not yet any information to furnish.

Mr. *Whitbread* said, he did not ask him for information, but whether an inquiry had yet been instituted; and upon this point he hoped that no time would be lost.

Mr. *Tierney* expressed a hope that the account respecting the droits of Admiralty would be printed before the next meeting of parliament, and took occasion to ask from what fund the sum had been advanced to the king of France before his departure from this country, to defray the expenses of his journey?

The *Chancellor of the Exchequer* apprehended, that the advance was made from the same source as that which supplied other public purposes.

Mr. *Tierney* observed, that this advance was considerable; and it was to be hoped that it would be repaid, as the French government made such a flourish about the discharge of the king's debts.

Mr. *Ponsonby* inquired from what particular fund this advance was defrayed?

The *Chancellor of the Exchequer* answered, from the vote of credit.

Sir *J. Newport* observed, that this advance was made eight weeks before the vote of credit was granted.

The *Chancellor of the Exchequer* said, that gentlemen acquainted with public business must be aware, that an advance was

often made from any fund that could afford it, to answer a particular public purpose, and that such advance was afterwards made good from the vote of credit.

## HOUSE OF LORDS.

Saturday, Nov. 26.

STATE OF AFFAIRS ON THE CONTINENT.]  
On the third reading of the Exchequer bills Bill,

The Earl of *Donoughmore* said, that though he should permit the Money Bills to pass through the House without observation, he desired that this conduct might not be construed into any approbation, on his part, of the purposes for which these monies had been, or were intended to be applied. That his sentiments were very different, indeed, would sufficiently appear from the motion of which he was then about to give their lordships notice. He deeply lamented that a subject of such infinite importance should have fallen into such unequal hands as his, and he had therefore refrained from taking the subject up till the very last moment, in the hope that it might have had the advantage of that talent and authority, from which it would have derived additional weight. The noble earl (of Liverpool) having, however, given him reason to understand, that Thursday next was likely to be the last sitting day of the House before the recess, no alternative was left him but to undertake that duty himself, for the discharge of which he thought the circumstances under which we were placed imperatively called. Selecting, therefore, the latest possible day, for the purpose of giving to every noble lord who might feel with him the great and pressing importance of the subject, a full opportunity to appear in his place at the discussion of it, he accordingly should give notice, that he should on Thursday next call their lordships attention to the necessity of some prompt proceeding on the part of that House, declaratory of their lordships just abhorrence of that system of spoliation and aggrandizement, which appeared to form almost the avowed basis of all the pending negotiations at Vienna. He moved that the Lords be summoned for that day, which was ordered.

## HOUSE OF COMMONS.

Monday, Nov. 28, 1814.

HACKNEY COACHES BILL.] Mr. Lush-

ington having moved the order of the day, for the House to resolve itself into a Committee of the whole House, upon the Bill "to repeal certain parts of an Act of the 54th of his present Majesty, for the better regulation of the drivers of licensed hackney coaches, for explaining and amending an Act of the 48th year of his present Majesty, relating to hackney coaches, and for authorizing the licensing of a limited number of hackney chariots,"

General *Thornton* begged permission to make a few observations as his reason for opposing the further progress of the Bill, at present at least, in the form in which it now stood. His objection to the Bill was, that it repealed the clause respecting the delivery of the tickets by the coachman, without making any provision in its stead. Now, he was convinced that the clause, though proved to be inefficient, had nevertheless been productive of very beneficial effects to the public. It had caused the coachmen to be frequently summoned; and though they could not be convicted on that clause, they had been convicted on the provisions of other acts of parliament, and fined for their abusive language; which had produced a very great good to the public, by having rendered these men a great deal more civil than they had ever been known to be heretofore. To oppose the present motion might be vain; but as the hon. member had intimated his intention to propose other measures connected with the regulation of hackney coaches after the recess, he would suggest some alterations. He would submit the propriety of requiring the number to be painted inside the coach as well as on the outside. Persons wanting coaches were frequently obliged to get into them in the dark, and they could not in such cases see the numbers; but if they were placed in a conspicuous place inside, there would be frequent opportunities in passing lamps to see the numbers. He would also suggest, that it should be required of coachmen to have a card of fares fixed inside the coach; and if the ticket system should not be abolished, that the size of those for 1s. and those for 1s. 6d. should be different. He could not but hope that the plan of giving tickets would yet be continued, if the Bill was not precipitated through the House; at all events, he trusted that it would not be persevered in till the hon. member should have laid before the House the regulations which he intended to propose for the future

management of hackney coaches, and that after the recess there might be a committee of inquiry on the subject. The Ticket Act had not only done some good in checking the abuse and system of extortion that once prevailed to such a degree, that decent people, ladies in particular, were almost debarred the comfort of a hackney coach, if they chanced to be unprotected; but it had also procured the town the benefit at last of arousing the commissioners, as might be seen by their circular, which had recently appeared in the newspapers. They were now really beginning to exert themselves; why they had not done it before, heaven only knew, as they had at least had the power of being useful.

Mr. *Lushington* had no particular desire to press this Bill at the present time, as it was his intention to submit some resolutions, connected with this subject, after the recess; and he would therefore move that the Bill be committed on Friday, the 10th of February.—Ordered.

COMMITTEE OF SUPPLY — SICILY — NAPLES — SAXONY — POLAND.] On the report of the Committee of Supply being brought up,

Mr. *Whitbread* said, that he wished to be informed by the right hon. the Chancellor of the Exchequer, whether there was any truth in the assertion made by the king of Sicily in his speech to his parliament, that England had granted two loans to him? This was another proof, that all information upon important topics was to be derived by parliament through any but the proper channel, the ministers of the crown. If the account were true, it ought to have been mentioned before the subsidy to Sicily was voted.

The *Chancellor of the Exchequer* admitted that it was perfectly true, that at a time when the Sicilian government was extremely pressed for money, this country, through its minister lord William Bentinck, had acceded to a grant of two small advances, the whole amount of which was about 150,000*l.* This loan had taken place in the year 1812, and in the year following a part of it had been discharged. It was, in truth, only an anticipation of the subsidy due from this government, and annually authorized by parliament, and from which the amount of the loans would be deducted. He said, he would take that opportunity of correcting a misrepresentation which had gone abroad re-



specting his answer to a question put to him on a former evening. He had been erroneously represented as having said, from authority, that this government had guaranteed the crown of Naples to Murat: the truth was, that he put it hypothetically, supposing the statement made by the hon. gentleman to be true. It had been also represented that he had asserted, that lord William Bentinck had disavowed the intentions of the Sicilian government, with regard to the attack upon Naples. Without either affirming or denying the fact, all he had done was to endeavour to shew, whatever the truth might be, that what had been done was not inconsistent with the stipulations of this country with the government of Naples; and that our minister had interfered as early as possible to prevent any hostile proceedings.

Mr. *Whitbread* observed, that as the right hon. gentleman had not to-night deemed it inexpedient and inconsistent with his public duty to answer one question, he might probably have the good fortune to force from him a reply to one or two others. It was really very difficult to deal with a gentleman who was so careful not to deal in matters of fact, but to put every thing hypothetically: but he would repeat what he had asserted on a former night, relative to the engagement entered into by this government with the king of Naples, who was now no longer dignified by titles of royalty, but was called by the right hon. gentleman simply, plain Murat, as if in anticipation of his destruction. Ferdinand, in the address to his parliament, informs them of the great benefits his kingdom was to derive from England, which could be construed into nothing less than that this government had agreed to place him upon the throne of Naples. Mr. *Whitbread* said, he hoped that such was not the fact, since it would be an engagement wholly incompatible with the execution of the treaty for which the faith and honour of the country was pledged to Joachim Murat, king of Naples. It now appeared, with regard to Sicily, that the House of Commons had been voting a subsidy, which was to repay to ourselves a loan we had made. Why had not the right hon. gentleman stated the fact at once to the House, in the committee of supply? The whole seemed to him a mere pretence, a mere juggle on the part of ministers. However ignorant the other side of the House might be, or pretend to be, they must know that the king of Naples had declared that

he was at peace with all the world; that his ports were open to the shipping of all nations, even to that of Sicily; and yet Ferdinand was carrying on hostilities under the covert protection of this country.

One of the other questions upon which he entreated information, regarded a subject already much discussed: he wished to know whether there was any truth in the further information that had reached this country, respecting the unfortunate country, whose fate ministers had declared was negotiating, and not negotiated, Saxony. The public accounts represented the fate of Saxony as irrevocably fixed. Was it or was it not the fact? Government could not now pretend that they were ignorant, after the publication of prince Repnin's proclamation, after what was reported to have been said by the emperor Alexander, and after the absolute delivery of the possession of the kingdom to Prussia. It was impossible to contend for an instant that this act of robbery had not been perpetrated in the very spirit of Buonaparté, but without his master-hand in the execution. It was the duty of the House to reflect upon the consequences of such a proceeding. If such a system was resolved upon—a system directly tending to anarchy, trouble, and confusion, who could be bold enough to think of the revolutions and devastations likely to take place, without horror? This country looked for a speedy diminution of taxes; but if the system of spoliation at present before our view were persisted in, how could she expect to have her burthens diminished. Let nobody, then, talk of the property tax ceasing in the course of the present year: while such a system continues, it could never cease. The foreign papers represented that count Metternich was presiding at the head of the cabinet of kings and ministers, who were spending their time in a most pleasant and sociable manner at Vienna. Here, probably, was the origin of the proceedings with regard to Saxony. Count Metternich, a very communicative, lively man, had doubtless at some one of the dinners been telling a few of the entertaining stories, with illustrations, of the manner in which he and Buonaparté used to carve up the continent:—that Buonaparté used to divide this kingdom in this way, and that kingdom in that way, and that he made no bones of freely disposing of them to the powers who surrounded him. From these lessons the sovereigns and their ambassadors seemed to have

learnt much of the design, but little of the execution, which was generally accomplished by a few master-strokes, to which they appeared incompetent. It was not, however, to be conceived, that the ambassador of Great Britain would, without objection or protest, not only permit these infractions of right, but become an acceding party, and that, too, without deigning to give the slightest information to the gentlemen on the bench opposite, who were cutting such a deplorable figure [a laugh]. It was lamentable to reflect how the money and the character of the nation had been squandered. What was to be the issue after the period of gestation should be passed, and the right hon. gentleman would be allowed to produce the offspring of the labours of the noble lord? But it was very easy for the right hon. gentleman to rid himself of all interrogators for the present. The House, it seemed, was to be adjourned for a long period; and at the re-assembling of parliament, after every thing had been fixed, and all the spoliations had been completed, then was the time to put questions, and then they were told they would be answered. Mr. Whitbread solemnly protested against such a proceeding—he protested against the robbery of Saxony, and lamented that the House had been so imprudent as to grant supplies that would be devoted to such a purpose. Was the conduct now adopted at Vienna consistent with the declaration of the allies before they thought success as near as they found it? Did they not rest their hope, their every hope, upon acting on principles directly in opposition to the system of him whom they called the tyrant of the continent? And yet, the very moment they got power into their own hands, they retraced his steps, and in such a clumsy manner as to produce a twofold injury. [Hear, hear!] Surely it was enough to see tyranny supplying the place of gratitude in Spain, without finding that it had spread to the continent, and that Lecocq and Thielman had fallen victims to it!

He begged to remind the right hon. gentleman of the rumours that were afloat upon another subject of equal magnitude, upon which he also requested that he would put off his mysterious air of secrecy, and give parliament a little intelligence, if, indeed, he could communicate any thing; for it had happened that he had refused to reply to a question, on the

ground of inconvenience to the public service, when it had afterwards turned out that he was in perfect ignorance upon the point. The rumours were, that the emperor Alexander had strenuously contended for the independence of Poland, and that he had been opposed in his benevolent views by the British minister. Nothing official had been inserted in the foreign journals upon this grand question, and nothing had been publicly done; but the people were amused by disputes between the minister of the king of Wurtemberg and the minister of the new king of Hanover, upon a point of etiquette who should take precedence, like the ceremonious ladies of two newly-baked baronets at a country ball. Such were the ridiculous antics played by the ambassadors at Vienna, instead of proceeding to discharge the important duties with which they were entrusted. Mr. Whitbread hoped to receive an answer upon these points, and if the Chancellor of the Exchequer did so far condescend, it would be necessary for him to condescend still further, and to shew why he had not answered them before. We now lived in an age when free nations were not to be sold and transferred like beasts of burthen; and if any attempt of the kind was made, the result would be a bloody and revengeful war. He repeated, that it was folly to talk of repealing the property tax; it could never be taken off, if those partitions were suffered to take place. The hon. gentleman concluded by again adverting to the affairs of Poland, and by stating, that in every step and in every stage he would resist the supply, until some suitable developement of its application was satisfactorily laid before the House. [Hear, hear!]

*The Chancellor of the Exchequer.* In observing upon what has fallen from the hon. member, I shall take the liberty of entering a little into the subjects to which he has adverted. Whatever accusations he may think proper to bring against me, I certainly do not intend to charge him with being deficient in his duty; if entering his protest against the proceedings of government, whatever they may be, constitute a part of that duty. I feel no objection to give the hon. gentleman information upon one or two points to which he has referred. First, with regard to Saxony; I believe that the fate of that kingdom has not, and cannot have yet been decided; because the Congress by

which the decision is to be made, has not yet met. [Hear!] I cannot, therefore, believe that the fate of Saxony is yet fixed; much less do I believe that any British minister would be a party to any such decision as is supposed to have been made [Hear, hear! from all parts of the House]. As little do I believe (and the hon. gentleman will have reason on some future day to recollect my assertion), that any British minister will be a party to the subjugation of Poland. On these points I hope the hon. member is now satisfied; and having replied to his questions, it will be unnecessary for me to say any thing further.

Mr. *Whitbread*. I beg to be allowed to say a word or two in explanation. I am not at all deranged by the little sarcasm of the right hon. gentleman; for all knowledge is comparative; and if I know little upon these subjects, it is plain that the Chancellor of the Exchequer knows less, for undoubtedly I have supplied the greater part of his information. My principal object in rising is, that I may distinctly understand what he has said. He states, that he does not believe that the fate of Saxony is decided; [Hear! from Mr. Vansittart] and he does not believe it possible that any British minister should have been a party to the surrender of Saxony to Prussia, as is stated by the documents that have been published. [Hear, hear!] The right hon. gentleman believes, that I shall have reason to remember what I have said, upon some future day. I suppose he means, that on obtaining assistance after the recess, he intends to inflict upon me a castigation. I hope he will have an opportunity of so doing, by shewing that a British minister has not been a party to the cession of Saxony to a foreign power. As to Poland, the right hon. gentleman believes that lord Castlereagh never acquiesced in the subjugation of that country, and does not think it possible that a British minister would acquiesce in such a proceeding. What, then, is the extraordinary situation of ministers? Their leader hopes, and believes, and expects every thing—he has no certain intelligence, and yet the House cannot fail to know what information he might have possessed and communicated. It is for the House to say, whether it is satisfied with these ambiguous hypotheses in which he always speaks; but if what has been stated were not true, could he not disprove it from the very tenor of lord

Castlereagh's letters? Surely he could collect whether it were true or false. I ask the right hon. the Chancellor of the Exchequer, and request that he will give me an answer—Has he any information on which he can contradict what I have stated with regard to Poland, and what I hope and believe is true?

The *Chancellor of the Exchequer*. I hope the hon. gentleman will not misapprehend me; though I fear, from what he has thrown out, that I did not make myself understood. What I said was, that I believed the fate of Saxony was not, and could not be decided; because, by the last accounts, the Congress had not yet met, whose duty it was to decide. Therefore I presume that any occupation of Saxony that has taken place, can only be provisional—merely a military occupation of the country, such as was before maintained by the Russians.—This was all I meant to state with regard to Saxony; and the British minister, therefore, was not a party to the transaction. As to Poland, what I said was, that I did not believe it would be found that a British minister had been the author of the subjugation of that country. [Hear, hear!]

Mr. *Tierney*. Perhaps, Sir, I may come in for my share of the threatened castigation on the fatal day, but I wish distinctly to understand whether the Chancellor of the Exchequer means to deny that military possession has been taken of Saxony, and that it has been given up to the dominion of Prussia? Whether he means to deny the proclamation of prince Repnin, which states that Saxony, as a kingdom, shall hereafter be subject to the dominion of the king of Prussia? If he means to deny these facts, I shall be glad to know it. The right hon. gentleman says, he cannot believe that any English minister would be a party to such an affair: it is, therefore, material that we should know in what situation our ambassador stands. He is to be a member of that Congress which is to decide this question; but is not the decision rendered a mere mockery, when the subject is already settled by the occupation of the country by a large military force? What, then, is now to be decided by the Congress?—Really nothing. After the recess, no doubt, we shall see the right hon. gentleman coming down to the House to say that he is very sorry, but lord Castlereagh could do nothing against an army already in power.

sion of Saxony, and that he was obliged to submit to necessity. I should be glad to know what the noble lord says upon this subject. Does the noble lord give any explanation respecting this order of prince Repnin? The right hon. gentleman says, he believes it to be a provisional occupation; but the contrary is evident, for the people are told that they are hereafter to consider themselves as under the dominion of Prussia. I should be glad to know what lord Castlereagh says upon it; and, on the threatened day of triumph, perhaps I may remind him of the expressions. The right hon. gentleman says, that hitherto, respecting Saxony, he spoke only upon hypothesis; and to day he says, that he really cannot believe that lord Castlereagh has been a party to the cession. I hope to God he has not; but unless on his return he can make out a good case, he ought to be ashamed of himself for remaining British minister at the Congress. [Hear, hear!] He must make out, that this is a provisional occupation, and nothing else. Now let us see what is this provisional occupation, even supposing he can prove that? It is enforced and maintained by troops, of which we pay one-fourth. Each party pays a proportionate sum for the maintenance of a body of 75,000 men; so that the whole allied force to be kept on foot, and applied to any purpose, is 300,000 men; and a portion of these troops is now keeping possession of Saxony for Prussia, whatever may be the determination of the Congress. The Chancellor of the Exchequer says, wait and see the result. So I would, and patiently, if the king of Prussia would withdraw his army from Saxony; but as matters now stand, the result will be, that the noble lord will return to England on that glorious day of triumph, and tell parliament that he could do nothing in the Congress, for he was obliged to yield to the forces of the king of Prussia.

Mr. *Bathurst* insisted, that ministers were not responsible for the acts of prince Repnin, if he chose to yield the possession of Saxony to Prussia: they had no control over foreign generals. In the first place, he said, that government had no official knowledge of the transfer of Saxony; and, in the next, that they had no information whether our minister had or had not consented to the ultimate possession of it by Prussia.

Mr. *Whitbread*. Then you know nothing about the matter?

Mr. *Bathurst* added, that these subjects were matters of future arrangement by the Congress; they were not yet decided, and therefore the British minister could be no party to the proceeding.

Mr. *Ponsonby* would willingly have supposed it impossible that the Russian monarch could be a party to such a transaction; and to shew the different principles on which the allies commenced, he read the first article of the treaty of Chaumont, in which it was declared, "That the high contracting powers solemnly engage to apply all the means of their respective states to the vigorous prosecution of the war against France; and to employ them in perfect concert, in order to obtain for themselves, and for Europe, a general peace, under the protection of which the rights and liberties of all nations may be established and secured." How was it possible for ministers to deny that Saxony was for ever ceded to Prussia? Prince Repnin, in his Address, declares, that it is to be placed under "the powerful and paternal protection of Frederick William and his descendants." If so, it was a strange provisional occupation, which extended even to posterity. The instrument then spoke of the "fortitude of the king in adversity, and his magnanimity in prosperity." Where was his magnanimity in compelling the Saxons, by a military force, to submit to his authority? Where was his magnanimity in subjugating a country, to whose army at Leipsic the allies were indebted for their subsequent success, and in casting into a dungeon Thielman, the general who had commanded them?—His reward was imprisonment, and that of his army slavery! The right hon. gentleman had said, that the Congress had not yet met. What a miserable pretext! What a scandalous subterfuge! With all this accomplished, what was the British minister to do in the Congress; which, formed under pretence of giving protection to Europe, was to be employed only on schemes of subjugation, tyranny, and spoliation? The defence which ministers flattered themselves they had made, had only proved an additional reason for their condemnation; for if the accounts in the German papers, and even in the *Moniteur*, the official gazette of France, were credited, what a miserable figure did the present administration cut! The very argument that it could not be true, because the Congress had not met, was an admission of the fact, that the Bri-



tish minister had given his consent to these lawless measures. If he had consented, the British minister had disgraced his title, and betrayed the honour of his country.

Mr. *Bathurst*, after the manner in which his noble colleague had been mentioned, felt called upon to say, that it did not rest simply upon the fact, that Congress had not yet met, but it rested upon the assertion, that, by the last accounts from our ambassador, no final arrangement for Saxony had yet taken place. He maintained, in contradiction to the statement of Mr. Tierney, that although we paid for 75,000 men, we paid nothing towards the occupation of Saxony.

Mr. *Tierney* said, that the total amount of force to be kept on foot by the allies was 300,000 men, of which we paid for 75,000. Now, unless all our 75,000 were employed in the Netherlands, which no man would assert, where was the rest of our *quota*, if it did not constitute a part of the army of our allies on the continent, which force had been employed to take possession of Saxony? In point of fact, therefore, we were paying for the military occupation of that unfortunate kingdom. Would the right hon. gentleman say, that it was only a provisional possession to which lord Castlereagh had consented? and if so, why such a provisional possession was necessary?

Mr. *Bathurst* did not mean to deny the fact, but he denied the inference of the right hon. gentleman. It was merely a transfer of the possession of Russia, who held it, to Prussia, who holds it now. It might be just as truly said, what power have you to negotiate respecting Poland, where we had no force?

Mr. *Whitbread* complimented the right hon. gentleman on his talent at splitting hairs; he had not, however, at all affected the main question. Was it to be supposed, for a moment, that Russia would dare to publish to the world what she had done with regard to Saxony, if the consent of the British ambassador had not been obtained; or if it had not, would lord Castlereagh continue an instant longer at Vienna, to degrade the character and honour of his nation? The right hon. gentleman had said, that ministers were not responsible for the acts of the Russian prince. True: they had enough to answer for without that additional burthen, even with the support of the right hon. gentleman, who so generously, in an emer-

gency on a former night, had volunteered his powerful aid. After all that ministers had said, all that it amounted to was, that the Congress had not met. But was it, or was it not the fact, that all the great points were settled before the assembly of the Congress? To revert to the proclamation of prince Repnin—Was it, or was it not a forgery? If not, and lord Castlereagh knew nothing of it, he had a right to demand that exemplary punishment should be inflicted upon the person who issued it. Was the wording of the document at all like a provisional arrangement? It began, "The administration of the kingdom of Saxony having been placed in the hands of the king of Prussia, by virtue of a convention between Russia and Prussia, and to which Austria and England have acceded," (lord Castlereagh had never been consulted, and yet prince Repnin had dared to assert that England was a party consenting!) "and the solemn delivery of the general government having been this day made by me to the baron Von Reek and major-general the baron Von Gandy, all the Saxon officers and inhabitants are informed, that they must address themselves to the new general government." It then went on to praise the king of Prussia, and to speak of the happiness and liberty the Saxons would enjoy under the rule of that noble, virtuous, and magnanimous prince. If this were a forgery, Mr. Whitbread called upon ministers to avow it: if it were not, and lord Castlereagh had given his colleagues no information upon the subject, although he was in possession of the whole, he had been grossly deficient in his duty. If it were true, that lord Castlereagh had consented, on the part of England, it was a humiliation and a degradation to this country, so low as to be beneath all expression.

Mr. *Bathurst* observed, that he had never allowed that the proclamation was a forgery, but he did assert that it was unauthorized. He begged to know the date of it. [Mr. Whitbread said, "Dresden, 11th Nov."] It so happened that the last dispatches from lord Castlereagh were of that date, and of course he could not mention it. Certainly, if ministers were accountable for the acts of prince Repnin, they would deserve censure. It was an unauthenticated paper, and did not at all prove that the fate of Saxony was decided.

Mr. *Tierney*. Does lord Castlereagh, in his last dispatches, take any notice of such a proclamation?

Mr. *Whitbread*. Or does he say any thing regarding the intended surrender of Saxony? [Mr. Bathurst smiled, but gave no answer]. Are we to understand distinctly, that lord Castlereagh, in his last dispatches of the 11th of November, does not mention the subject of the surrender of Saxony to Prussia?

No reply was made by ministers.

Mr. *Lyttelton* having resided for some time in Saxony, bore testimony to the desire of the natives for the rule of their ancient sovereign. From one end of the country to the other, from the noble to the peasant, there was scarcely a man who did not detest the transfer that was about to be made. There might be a few, but very few they were, who, by bribes, promises and threats, had been induced to join the cause of the king of Prussia. It was important for the House to know whether the British minister had been made acquainted with the transaction which had taken place. If he had not been made acquainted with the steps taken by Prussia with respect to Saxony, it was indicative of the mean estimation in which this country was held by the allied powers—an estimation inconsistent with the force which she maintained, and which could only be occasioned by the misconduct of his Majesty's representatives abroad. He had thought proper to state thus much, and on a future opportunity, if any occurred, he should enter more at large into the subject.

The *Chancellor of the Exchequer*, without again reverting to the general question, whether or no Saxony had been taken possession of definitively, wished to state, that the convention supposed to be mentioned in prince Repnin's letter could not exist, as far as the consent of the British minister was concerned.

Mr. *Whitbread*. Then prince Repnin must have published to all Europe a bare-faced falsehood.

The conversation dropped, and the resolution before the House was agreed to. On the subsequent Resolution,

Mr. *Whitbread* asked, what was the meaning of an item, in the estimates which had been printed, of 105*l.* to the right hon. George Rose, clerk of the parliaments, for Acts of Parliament?

The *Chancellor of the Exchequer* stated, that it was an usual annual allowance to the clerk of the parliaments, instead of the copies of all Acts.

Mr. *Whitbread* observed, that the 105*l.*  
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must be an allowance for getting the Acts by heart, instead of keeping copies, since it was the duty of Mr. Rose, in some manner, to be acquainted with them. Mr. *Whitbread* asked for what the 6,000*l.* which was voted for the expense of conveying the prince regent of Portugal to Europe was to be expended, and whether there was any certainty at what time the prince regent would actually return from the Brazils?

The *Chancellor of the Exchequer*, Mr. Croker, and Mr. Arbuthnot explained, that though the precise time when the prince regent would return was not actually known, he had demanded a vessel for that purpose, and the appointment of the officer who had been nominated. The sum (which was only 4,500*l.*) was to be expended in such preparations for a proper reception of his royal highness on board the ship appointed, as individuals could not be expected to bear the charge of. A certain proportion of the money was to be drawn by each of the officers for the purpose.—The Resolutions were all agreed to.

TRADE TO CANADA.] Mr. Marsh rose to move, "That there be laid before this House, an account, showing the annual amount of all imports from Canada, Nova Scotia, and New Brunswick, into Great Britain and Ireland, and of all exports from Great Britain and Ireland to the same, from the year 1800 to 1814, both inclusive; distinguishing such articles, in each year, as exceed the value of 1,000*l.*" [The hon. gentleman was proceeding to observe on the importance of the details which would be then afforded, with a view to a proper estimation of the real value of the American possessions of this country, when he was called to order by Mr. Bathurst. Mr. Bathurst in his turn was called to order by Mr. Horner, who conceived that it was not consistent with order to interrupt a member in the course of remarks previous to a motion, which, though brought forward without notice, was perfectly regular.] Mr. Marsh then observed, that the papers would shew how far it was consistent with prudence, that his Majesty's ministers should, in order to augment our Canadian territory, give a pledge to continue the country at war; and for that purpose, not only proposing the continuation of the property tax, but imposing still farther burthens on the country. The hon. member concluded by moving for the papers.

The *Chancellor of the Exchequer* did not think there could be any inconvenience in producing the information required, and should not therefore object to the motion. —Ordered.

MOTION ON CONTINUING THE MILITIA EMBODIED IN TIME OF PEACE.] Sir Samuel Romilly, before he made the motion of which he had given notice, wished that the Act of the 42d Geo. 3, c. 90, for amending the laws relating to the militia in England, and for augmenting the militia, might be read; and the same being read accordingly, sir Samuel again rose. He said, it could hardly be necessary for him to apologize to the House for drawing their attention to a subject, the importance of which must be felt by every one. He should indeed want an excuse, if, without having viewed it attentively, he had brought this topic forward merely as a matter to embarrass ministers, or for the enjoyment which might arise from their awkward defence. Convinced that it was his duty to take all pains to investigate the merits of such a question, he had done so. He had considered it deeply in various points of view; he had consulted the gentlemen who could offer him the best opinions; he had listened to every argument that had been urged in public in favour of ministers; and the result was, in his own mind, that in keeping part of the militia embodied, they had acted both illegally and unconstitutionally. He had, therefore, thought it his duty to come before the House, and having done so, could not too soon enter into an explanation of his views upon the subject. When he said that the militia were kept embodied in an illegal manner, he did not mean that the fact of illegality exempted those who were enrolled, or might afterwards be ballotted, from executing the duties of their situation. He considered them all bound to pay obedience to their officers, and to the regulations under which they were called to serve. It remained solely with his Majesty to disembody and release them: and the only question was, whether his Majesty ought not, according to law, to have been advised so to disembody them. There were many questions of prerogative involved in great difficulty, many that could only be solved through the medium of abstract reasoning and puzzling analogies; but on this question there could be no difficulty; it depended entirely on the plain words of the statute: it

required no lawyer to interpret them, for every man who could understand English was a sufficient judge of their import. The Act authorized his Majesty to call out the militia under four circumstances: in case of invasion, of imminent danger, rebellion, or insurrection. He would now ask the House, whether the country was in such a state as indicated the approach of any of those calamities? Should any of those unexpectedly arise, the Act directed that his Majesty should state the case to parliament; and if parliament were not sitting, should make the necessity for calling out the militia known by proclamation, and should immediately assemble the legislature of the country. If the House considered the state of the nation in times past, it would only serve to confirm the opinion, that without a violation of the law, no part of the militia could be kept embodied. It was in a state of profound peace and undisturbed internal security that a portion of that force was kept on foot, separated from their families, and subjected to all the inconveniences and rigours of martial law. The institution of the militia, however, although it pressed hard on the lower orders, and exacted great sacrifices from them, was, upon the whole, an excellent institution, on which the country justly relied with most confidence for its protection. At all times, a salutary jealousy had been entertained of the power of the crown over a standing army. Divided from the rest of society, subjected to different laws, and bound for no stated period, a standing army had always been considered a dangerous weapon to be intrusted to the sovereign authority. The militia, on the contrary, was regarded as the great pillar and safest defence of the country. This body were not to be torn from their occupations and their families, and put upon service, till actual danger demanded their exertions. Until called out, they retained all the privileges of the constitution, which were only suspended during the existence of peril. Every thing that tended to alter that spirit, and to retain them far from their homes longer than it was necessary, was not only most injurious but most unconstitutional. Though, in common with the rest of the world, he admired the conduct of those high-spirited men, who, out of the militia, had volunteered their services in foreign countries, yet he could not refrain from lamenting how considerably it impaired the institution itself.

Such an example could not take place without altering the disposition of the men; and any thing that contributed to pervert the spirit and original purity of the militia, was, in his opinion, decidedly wrong. The legislature had always intended that the character of citizen should be suspended for as short a period as possible. Originally, the militia were not made to serve out of their own counties, except, as by the Act of Edward 1, in cases of sudden invasion. This was confirmed by the 4th of Henry 4, and lasted under Charles 1 and Charles 2, one of whose first Acts was one for regulating the calling out of the militia, who were not to serve out of their respective counties. The 2nd of George 2 brought the law nearly to the situation in which it now stood, the militia being only allowed to be called out in cases of invasion, imminent danger, or rebellion; insurrection not being inserted, lest the crown should have turned that defensive army into one of offence. But the prerogative of calling the militia out could not be exercised without first stating the necessity of the case to parliament; or if it were not sitting, publishing it by proclamation, and immediately assembling the legislature. The 16th and 42nd of the King contained the same provisions, with this only difference, that the militia were to be assembled to repel invasion, or repress insurrection. Its calling out and service were then co-extensive with the necessity of the case. In the two last Acts the same words had been used, with this addition, for the purpose of repelling or 'preventing' invasion, and suppressing insurrection. When, in 1776, it became necessary to send a large force to America, then in a state of rebellion, the ministers of those times came to parliament to desire that an Act should be passed to call out the militia, in case of rebellion in any part of his Majesty's dominions. The Act passed, but not without considerable opposition, and even then its duration was limited to seven years. Before they ended, the independence of America had been recognized; and there was, therefore, no ground for the continuance of the militia beyond that period. In the present case, we had been nearly six months at peace with every power in Europe, neither was any part of the united kingdom threatened with invasion, imminent danger, rebellion, or insurrection. If the militia were now kept on foot, therefore, it might remain so

during the rest of his Majesty's reign, or at least during the whole of the American war. The only reason hitherto given for its continuance was, that this country was still at war. Yes, we were still at war, but with America; and the House must recollect what species of war the Act alluded to when it was passed: it referred to a contest which brought the danger of invasion to our very doors, with an enemy only a few leagues from our shores, on which, after a few hours sailing, he might land. Now, could it be thought, even by the most credulous in his Majesty's dominions, that the present contest exposed us to invasion. As well might the militia be called out if we went to war with the dey of Algiers, or some Indian prince. Such a proposition was monstrous. It might be said, that although the law imposed great restrictions on the power of calling out the militia, it laid none on that of keeping it embodied. But he hardly thought such an argument would be used in that House. He did not expect it would be contended that the intent of the Act was to leave the crown wholly disembarrassed, with respect to the disembodying of the militia. He did not conceive, that when so many difficulties were made to attend the calling out of the militia, even at a moment of pressing danger, the law should give the king the power of continuing it as long as he pleased, even when the causes for which it had been assembled had ceased to operate, or perhaps even long after the war with America should be closed. He wished the House to consider what might be the duration of that war, carried on for the objects now avowed (at least made apparent through the publication of our diplomatic correspondence by the Americans), and in the mode now adopted; a mode contrary to the usages of all civilized nations, and likely, instead of conciliating our enemy, and leading to a speedy termination of the contest, to inflame hostility, and create an unquenchable hatred between the two countries. It was said that his Majesty's ministers were sanctioned in their opinion as to the legality of keeping the militia embodied by the law officers of the crown—the attorney and solicitor general.\* Although

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\* The following is a copy of the Circular Letter sent by the Secretary of State for the Home Department, to the commanding officers of those regiments of



he had the highest respect for these authorities, he should have had more respect for their Opinion, if it had been

British militia which remain embodied, together with the Opinion of the Attorney and Solicitor General therein referred to:

*" Whitehall, Nov. 18th, 1814.*

" Sir; Some doubts having been expressed as to the legality of keeping the militia, or any part of it, embodied, under the present circumstances in which the country is placed, the question has been referred for the consideration of his Majesty's Attorney and Solicitor General, a copy of whose Opinion thereon I have the honour to enclose.

" You will not fail to take the earliest opportunity of communicating the same to the regiment under your command, and you will at the same time explain to the men, that as the oath taken by the substitutes and volunteers is to serve for five years, or for such further time as the militia may remain embodied, and not (as has been erroneously supposed) during the war, no substitute or volunteer is entitled to his discharge until the militia shall have been actually disembodied. And you will add, that although it is the unquestionable right of his Majesty to keep the militia embodied, notwithstanding the termination of the war with France, it is nevertheless the Prince Regent's wish and intention to order the disembodiment of the remaining regiments to take place with as little delay as may be consistent with a due regard to the public safety; and he trusts that, until that period shall arrive, the conduct of the men will be marked by that steady attention to their duty and to the commands of their officers, by which it has been uniformly distinguished since they have been embodied. I am, Sir,

*" SIDMOUTH.*

" To the Officers commanding those Regiments of British Militia which remain embodied."

*" Lincoln's-Inn, Nov. 17th, 1814.*

" My lord; We have had the honour to receive your lordship's letter of yesterday's date, stating that some doubts having been expressed, whether the militia of Great Britain can legally be kept embodied under the present circumstances in which the country is placed, your lordship is pleased to desire, that we will take into our immediate consideration the several

delivered under different circumstances from those under which it had been given. The proper course to have pursued, would

Acts relating to the militia, particularly the 42nd Geo. 3, cap. 90 and 91; and report to you, for the information of his royal highness the Prince Regent, our opinion whether, under any, and what circumstances, it is imperative upon the king to order the immediate disembodiment of the militia.

" We have accordingly considered the same, and beg leave to report to your lordship, that we are of opinion, that when once the militia have been embodied upon the occasions stated in, and according to the provisions of the Acts, there is nothing imperative in the Act, as to the time at, or occasion upon which, the militia is to be disembodied; there is a discretion upon the subject of disembodiment of the militia vested in his Majesty, subject always to the responsibility which attaches upon the ministers of his Majesty, if they shall advise him to continue the militia embodied when no circumstances exist, in which the external relations or internal situation of the country could make the continuance of the militia in their embodied state a matter of expedience for the general welfare and benefit of his Majesty's government and dominions.

" It may not be improper to add, that as by the statute 42 Geo. 3, c. 20, s. 3, his Majesty is empowered, in the cases there stated, to embody 'the whole of the militia force of the country, or so many of the regiments, or such part or proportion of them, or any of them, as his Majesty shall in his wisdom think necessary, and in such manner as shall be best adapted to the circumstances of the danger;' and as by section 144 it is provided, 'that it shall be lawful for his Majesty from time to time, as he shall think fit, to disembody any part or proportion of any militia embodied under the Act, and from time to time again to draw out and embody any such militia so embodied, or any proportion thereof, as to his Majesty shall seem necessary.'

" We are of opinion, that if the external and internal situation of the country shall, at any time, in the judgment of his Majesty, call for and justify a reduction of the militia force of the realm, such reduction, by disembodiment, can be governed only by the sound discretion of his Majesty's ministers; and that if a partial reduction

have been to have called for an opinion as to the legality of a measure, and then to have taken measures accordingly. But the Opinion of the law officers of the crown had been taken but lately. Ministers had taken their measures first, and then resorted to their law advisers to know whether they had acted legally. The minds of the advisers were thus necessarily influenced by the conduct of those who, they would of course suppose, were possessed of some knowledge of constitutional law. He had not seen the Opinion of the law officers, although it had been circulated; and he could not, therefore, conceive the reasons on which they supported their opinion. None of the four causes for embodying the militia existed. It was evident, that the cessation of these causes was the period at which it should be disembodied, since it was particularly mentioned, that the militia should be called out only for the purpose of repelling invasion, or suppressing insurrection. Such care and anxiety having been manifested to prevent an improper exercise of the prerogative in calling the militia out, it was impossible that no limits should have been intended to have been assigned to their continuing embodied. The causes of calling out the militia having ceased, it ought to be matter of deep consideration with ministers, how far they were justified in continuing to the country those heavy burthens under which they had so long laboured. If any great and urgent cause existed for such a proceeding, let it be fully and fairly stated to the House. In 1776, the ministry of the day had amply represented to the House the reasons for their conduct: those persons, to say the least of them,

of some regiments shall at any time be ordered, it by no means follows that any other regiments, or any person serving in any regiment, not included in his Majesty's order for disembodiment, are entitled to, or can claim to be discharged from service; but that it must be in the discretion of his Majesty's government, acting upon their knowledge of facts, and upon their constitutional responsibility, if they shall see proper, to suspend any order which may have been issued, but not in fact carried into execution. We have, &c.

" W. GARROW.

" S. SHEPHERD.

" Lord Viscount Sidmouth,  
&c. &c. &c."

were not supposed to have a very superstitious veneration for the constitution of their country, yet they had not ventured to do what had been done by the present administration: they had treated both the House and the country with more respect, and had entered into the fullest explanation of their motives and their conduct. The hon. and learned gentleman observed, that it seemed not improbable that the militia were, on this occasion, continued embodied without any special necessity, but merely to shew the power of the crown, and so to establish a precedent for extending the royal prerogative beyond its legal bounds. He would say nothing of the conduct of ministers in continuing particular regiments embodied after others had been disbanded; but having admitted that it was perfectly legal to maintain the military subordination of the militia, he thought it necessary to appeal to the House on the part of those who were then retained in military service contrary to the intention of the legislature, by which the militia law was framed, and contrary also to their own just expectation. He meant the privates, who must be subjected, by this measure, to great harshness and inconveniences. To have men who were not reared to a military life, who were probably, in the first instance, torn from their homes and families, to serve in the militia, compelled to remain in that body without any necessity, must be felt as a very severe grievance, especially when the disappointment of their hopes upon the conclusion of a definitive treaty of peace, and the too probable forlorn condition of their wives and children, were taken into consideration. The House would, he trusted, feel for the situation of these men, who might be thus condemned to the most painful reflections, in consequence of a measure which he conceived, and which these men themselves would be too apt to conceive, as a great breach of the public faith. The ballotted man must naturally expect, as indeed all other men expected, that his services would cease upon the conclusion of peace. So much, indeed, was it the right of the ballotted man to look for the termination of his services on the event of peace, that if ministers had afterwards thought it necessary even to apply to parliament for leave to continue the militia embodied, it was his settled opinion, that parliament could not consistently accede to the application, without allowing the

ballotted men to be dismissed, and ordering a fresh ballot. This opinion he would maintain to be correct, unless parliament undertook to make an *ex post facto* law, or rescinded its faith. But it was not only the ballotted man who had a right to complain of being compelled to serve after the conclusion of peace; substitutes also were aggrieved; for these men must have looked for the termination of their services on the event of peace. Under all the circumstances of the case, the hon. and learned gentleman declared, that whatever might be the decision of the House on the motion he was about to submit, he should rejoice at having brought the question into discussion, in order that it might be seen, that although ministers had thought proper, in this instance, to adopt a measure contrary to law, on the ground of special necessity, that measure was not silently overlooked; and in the hope that such a step would not be drawn into precedent, but on the contrary, if it should hereafter be referred to, would be regarded rather as an example to be avoided, than as a precedent to be followed. The hon. and learned gentleman concluded with moving, "That this country having been for more than five months at peace with all the powers of Europe, and in a state of undisturbed internal tranquillity, the still continuing a part of the militia embodied is contrary to the spirit and plain intent of the said Act, and a manifest violation of the constitution."

The *Solicitor General* said, that being one of those legal advisers to whom his hon. and learned friend had referred, he felt himself bound to vindicate the opinion he had given; and notwithstanding the deference which he felt for every thing that fell from his hon. and learned friend, he had no hesitation in stating that he still retained the opinion which he had officially delivered upon this subject. Therefore, upon the question, whether it was legal or not on the part of the crown to continue the militia embodied, he entertained not the slightest doubt; but, whether it were expedient or not to advise the crown to exercise its legal right, he could not pretend to say. That question must be determined by others more competent to judge as to the real circumstances in which the country was placed. On the question of expediency his Majesty's ministers were to answer. But whatever the degree of expediency might be, he would not vindicate an illegal act;

for ministers would not be justifiable in advising his Majesty to act against the law, unless, indeed, upon some case of imperious exigency, for which it would become them afterwards to apply to parliament for an indemnity. An act, however, might be perfectly legal in the crown to do or to order, which it would not be expedient to advise, or for which advice ministers would be constitutionally responsible; for instance, it belonged to the prerogative of the crown to make war or peace. This was indisputably legal; but for advising the crown so to do, his Majesty's ministers were amenable to the judgment of that House. Still the making war or peace could not be deemed illegal, although such proceedings might be pronounced inexpedient, impolitic, or, he might even add, corrupt. He agreed with the hon. and learned mover as to his description of the law with respect to the causes for calling out the militia. For invasion, or the imminent danger of invasion, insurrection or rebellion, were, to use a legal phrase, the condition precedent for calling out that body; so the statute stated; but he looked in vain for a single clause or letter in that statute prescribing when or under what circumstances the militia should be disembodied. The law was wholly silent upon that head, and from that silence he inferred that the militia, being called out, it was legal to continue them embodied so long as the crown should think meet; that this point, indeed, was left to the discretion of the crown, subject, however, to the responsibility of those ministers who advised the exercise of that discretion. Such was his construction of the Act, because, from the beginning to the end of it, he found not a word as to the time at which the militia should be disembodied. In other acts, with respect to trade, for instance, in which some relaxation of the law was ordained, the period or circumstances at which that relaxation should cease, was distinctly described. It was mentioned, that the Act should cease six months after the war, or at some other distant period. But in this Act relative to the embodying of the militia, not a sentence was to be found prescriptive of the time at which it should be disembodied. Hence he concluded, that as no restriction was imposed none was intended, and that the legislature meant to leave that question to be determined by the discretion of the crown. With regard to the hon. and

learned mover's reference to the Act of 1776, when ministers, in consequence of the rebellion in America, applied to parliament to authorize his Majesty to call out the militia, that reference had, in fact, no analogy to the case under consideration. In order to have any analogy, the militia should have been embodied at the time, and the application should have been for authority to continue it embodied. But the application was authority to call out the militia; therefore the hon. and learned gentleman's quotation was not applicable to the present question. For the question now was, whether, the militia having been called out, it was legal to continue it embodied? In his opinion it was clearly legal, subject, he repeated, to the constitutional responsibility of ministers, and to the controul of that House. For let it be recollected, that the continuance of the militia embodied was still completely subject to the controul of that House, with whom it rested to grant or to deny the means of paying that body according to its judgment, with whom it rested to decide upon the mutiny bill; therefore that House, if it thought fit, had virtually the power of disembodying, of course that House still retained a full controul over the militia corps; and on this ground, at least, no complaint could be urged against that exercise of the power of the crown, for the legality of which he contended. To the doctrine of the hon. and learned mover he could not, therefore, by any means subscribe. But there was a part of the hon. and learned mover's observation which appeared to him quite unaccountable: for if, as the hon. and learned mover maintained, it was illegal to continue the militia embodied under existing circumstances, he could not conceive how the militia-men should be legally bound to continue in that body, and conform to military law. Certainly, there was an apparent inconsistency in this doctrine. As to the hon. and learned mover's proposition, that to continue the militia embodied was contrary to the spirit of the Act, he for himself did not know where to look for the spirit of the law but in its letter, and that letter was, as he had endeavoured to shew, quite contrary to the hon. and learned mover's proposition; and that proposition being untenable, he did not know how he could maintain his second proposition, that the measure under discussion was a violation of the constitu-

tion. If it was a part of the prerogative of the crown, as he contended, to continue the militia embodied, he could not see how the exercise of that prerogative could be deemed a violation of the constitution. He could not pretend to define what the hon. and learned mover meant by the term unconstitutional; but to his mind, what was legal could not be unconstitutional; and he was prepared to maintain that the measure objected to by the hon. and learned mover was perfectly legal. No one was less disposed to confide in his own judgment than himself; for no one felt himself more liable to error, or, he believed, was more ready to confess it. Indeed, he always endeavoured to convince himself that he was wrong, and when so convinced by others, he was ever prompt to admit his error. Of course, he paid all possible attention to the arguments of the hon. and learned mover, but they had by no means convinced him that his opinion was wrong upon this subject; and before he adopted that opinion, he could assure the House that he applied his mind with the utmost care to the examination of the law. From this examination his mind came to quite a different conclusion from that which the hon. and learned mover maintained, and therefore he should feel it his duty to vote against the motion.

Lord *Milton* observed, that the hon. and learned gentleman who had just sat down, had pursued the course which it was too much the habit of lawyers to follow in that House and elsewhere, namely, an adherence to the letter without regarding the spirit of the law. According to the hon. and learned gentleman's reading of the law, which described the several cases which authorized the crown to call out the militia, his view was, it appeared, wholly confined to the letter. But, in order to understand the spirit of that law, it was necessary to refer to the circumstances under which the militia was put upon its present footing, and to the practice which had since prevailed. This country was, in 1758, at war with European nations, from whom there was reason to apprehend invasion; and hence invasion, or the danger of invasion, were assigned in the Act as causes to authorize the crown to call out the militia. To this cause rebellion or insurrection were very properly added. It was thence perfectly clear, that against these dangers alone the legislature contemplated the calling out or embodying the militia. But, according to the hon.



and learned gentleman, when the militia were once called out, it was left to the discretion of the crown to decide when they should be disembodied. So that if the hon. and learned gentleman's opinion were good for any thing, it would go this length, that the militia, being once called out, the crown had the right of continuing them embodied for an indefinite period—in truth, that they might be continued embodied to all eternity. Such was the hon. and learned gentleman's view in judging of the letter of the Act, without any regard to its spirit; but, however consonant the hon. and learned gentleman's argument might be to the practice of special pleading, he could not suppose that it would be deemed very consistent with the judgment of that House, or with common sense. There was one consideration very important to this case, to which he (lord Milton) wished particularly to call the attention of the House; he meant with regard to the officers of the militia. These gentlemen, to whom a qualification of property was requisite, gave their services during war, as parliament had a right to expect, and he believed its expectations had been justified; but was it to be expected that they would be willing to continue their services in a period of peace? He rather apprehended not; and should they abandon the militia, it was but too likely to lose its constitutional character. But the measure under discussion only formed a part of a system, which had been long too evident—a wish to deprive the militia of its constitutional character. That body had been long, by the operation of that system, approaching to a regular army. By this measure, indeed, he apprehended that the object of this system was nearly accomplished; that the constitutionality of the militia was nearly gone; and that it nearly ceased to be that which it was originally contemplated, namely, the guardian of the liberties of the people. Such appearing to be the system of ministers, it could not be expected that the militia would continue long to be officered as it had been heretofore; and the direction of that body must therefore devolve upon another description of officers, to whom, without meaning any disparagement, the country must look with a very different feeling. The militia, in a word, were likely to be officered by the same description as the standing army; and if so, where would be the difference between that body and a standing army?

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In fact, he would in that case think a standing army to the same amount much more preferable, because the constitutionality of the militia being done away, a standing army would be much more efficient, as applicable to all descriptions of service. The noble lord expressed himself extremely glad to hear that the persons now serving in the militia were legally bound to continue their services, because that opinion, from such high authority, would operate much to reconcile these persons to their fate. After advert- ing to the grievance to which both ballotted men and substitutes felt themselves subject, in being compelled, contrary to their expectations, to continue their services, the noble lord stated, that he had received several complaints upon the subject from a regiment of militia, which continued embodied in Ireland; and concluded with expressing a wish, that, if ministers thought it probable the necessity would soon cease which they urged in justification of the measure complained of, they would make some declaration respecting it, in order to allay the dissatisfaction which so generally prevailed out of doors.

Sir *Arthur Pigott* would wish to state what was his general practice in giving his vote. When he could acquiesce in any motion, he felt little anxiety to trouble the House. With the present motion he most cordially acquiesced; but not so with the doctrine laid down in opposition to it; and, therefore, he could not let the debate pass, and allow this doctrine to stand uncontradicted. He felt extremely gratified that the subject had been submitted to the House; for he should have been sorry to observe, at a distance of six months after a definitive treaty of peace had been signed, and which had fortunately placed this country in a state of peace with all Europe, that the militia, that peculiar part of our national force, was not to be disembodied, and that no arguments had been opposed to this intention. It was of the utmost consequence that a full discussion on this important subject should take place; for when it was known that his Majesty had no power to draw out and embody the militia, except in time of war, and when we were told that, being so drawn out, it was to be kept embodied under circumstances which he believed were without example, then the sanction of the House for such a proceeding to-day, would become a precedent for

to-morrow; and that which was a novelty at the end of this war, would, at the commencement of the next peace, be quoted as an example; so that what was transmitted as doctrine to-day, a doctrine sanctioned by eminent persons, high in office, would, in the next parliament, be taken as authority, if suffered to pass uncontradicted; while those who at this time could have little supposed that such a precedent would have been introduced, would hereafter find it repeated and justified. He said, he would examine the grounds for this measure. We had to deal with an act of parliament, and it had been said by his hon. and learned friend, that this Act was so circumscribed, that his Majesty could not only not draw out and embody the militia by merely mentioning the fact, or intention of so doing, but it was made imperative on the crown to enumerate the grounds and reasons on which they shall be drawn out. This was particularly explained by the 113th section of the Act; which stated, that his Majesty may and shall have the power of calling out the militia under certain exigencies; but this very power was made a substantial cause for calling parliament together; and without regard to the season of the year, or any other circumstances through which the parliament might not be sitting, it must be assembled for the immediate purpose of considering the grounds for drawing out this force; and there were only those four legal occasions already stated by his hon. and learned friend, which justified the measure at all; and though other occasions might arise, which might render the services of the militia desirable, yet, on no other occasion was his Majesty authorized to draw them out, than on those that were specified in the Act. If any professional or unprofessional man meddled with such a subject as this, he would think that the noble lord's advice was most judiciously offered to him. Was it to be argued, that this House should do nothing but look at the mere letter of the law, as if they were in the chambers of counsellors asking for advice? He would recommend them to read the 111th and 113th sections of the Act, and see the purpose for which alone these clauses were framed. Was there any mortal tongue that could convince him that because, for the purpose of repelling invasion or subduing rebellion, the crown had the power of drawing out the militia, that, when they were so drawn out, he had

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the power to keep them so, in peace, in war, or for ever? He was utterly at a loss to discover when this power of the crown was to cease. If peace were concluded with America to-morrow, from what had been said, how was it to be known that the power would then be discontinued? It would seem that it was in the power of the King to keep them embodied as long as he pleased. The question was, ought the King to have been advised to keep them embodied at this time? Or rather, ought not the King to have been advised to have disembodied them? But the learned gentleman had said, that there was no specific time for this pointed out by the Act. Why, if there were no specific time stated for their dismissal, ought we not to look into the purposes for which their embodying was authorised? In all cases, when any temporary measure or tax was proposed, there was an express time limited for its duration. Thus the income tax was to cease, not on any 5th of April, but on the 5th of April next following the conclusion of a general peace. The serving of the militia was limited by the purposes for which the power was given for calling them out; and if the causes were not to be looked into for keeping them embodied, it might be said to the country, "You have a standing army, differing in no respect from the regular force; and as parliament annually comes to vote money for the standing army and the militia, what difference can there be between the latter and the former?" Suppose any man had put such a construction on the Act twenty-four years ago, and had asserted that the militia might by law be kept up for ever, the most languid brain that could have generated such an opinion would have been ridiculed as filled with chimeras and ideas that were impossible to be realized. Who could say that this country was at any period of the last war free from the danger of invasion? Who could assert, that when France was in possession of such an immense line of coast, and commanding all the ports which it contains, this country might not have been invaded? But when, in June 1814, a definitive treaty of peace was concluded, and parliament had met in November, and sat towards two months without any communication being made by his Majesty's ministers concerning the disembodied of the militia, was not this force converted into a standing army? The motion, however, would at

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least be attended with this effect, that the public would know what was the opinion of the servants of the crown as to the nature of the militia. But he hoped he should not see that opinion supported by the final vote of the House this night. There was nothing in the state of the country that the peace-officers were not adequate to; nothing that justified the keeping the militia embodied. He gave his most cordial concurrence to the motion of his hon. and learned friend, and should have been deeply concerned, if no one member had not thought it necessary to submit it to the House.

Mr. Serjeant *Best* agreed in the principle that had been laid down, that the question ought not to be considered merely as one of technical accuracy, but that it should be argued upon broad and general grounds. Before, however, he proceeded to deliver his opinions, he was anxious to correct a mistake which existed, as to what had been delivered by his hon. and learned friend the Solicitor General. Nothing which had fallen from him could be at all construed to infer, that when the militia was once called out, the ministers might advise the crown to keep it embodied for ever: on the contrary, the whole bearing of his hon. and learned friend's argument was, that though nothing specifically appeared as to when the militia should be disembodied, yet the ministers, in continuing to keep it embodied, after all necessity for it had ceased, were subject to a heavy responsibility. There was a marked distinction, he apprehended, between the two cases. With regard to the general question, if they looked at the circumstances under which the several acts had been passed, it would occur to every one, that there was a most material difference between the power of calling out the militia, and the power of continuing it embodied. Let them look only for a moment to some of the consequences that would inevitably flow from the arguments laid down by the hon. and learned gentleman who spoke last. Suppose, the case of invasion, for instance, or the imminent danger of invasion, that the militia were in consequence called out, and the invaders defeated, then the imminence of the danger would cease, and, according to the construction of the hon. and learned gentleman, the militia must be put down immediately, even though the war were still going on; and if a fresh attempt at invasion were

made or threatened, they must be again called out at a great expense. Apply the hon. and learned gentleman's arguments to a case of rebellion, and the same inconsistency would be manifest. Suppose a rebellion in Northumberland, and the militia called out: the rebellion is put down, and the militia must be instantly disembodied, though ministers should know that another rebellion was actually about to break forth in another part of the kingdom. Such would be the necessary consequence of the hon. and learned gentleman's construction, though it was manifest, from the very nature of things, that such a construction could not be the true and legitimate one. The legislature, in fact, had wisely placed every guard round the power of the crown in calling out the militia; but when it was once called out, it was left to the discretion of ministers, subject to responsibility, fairly and honestly to decide upon the necessity or propriety of continuing it. The very words of the militia acts confirmed that doctrine. In one of the sections it was expressly stated, that the militia were to be disembodied when his Majesty should think fit. [Hear, hear, from the opposition benches.] He quoted from memory, but if he was not greatly mistaken, those words would be found in the 144th section of the Act of the 42nd of the King: he was not surprised at the seeming incredulity of the hon. gentlemen opposite; for if those were the terms of that section, as he firmly believed, what could be more explicit? All that was contended for on that side of the House was, that, in continuing the militia embodied, there was nothing illegal *per se*; for if it had been thought necessary to continue the same caution and securities in putting the militia down, which were employed in calling it forth, they would have been repeated in the latter clauses of the Act. One hon. member had said, that it would be better to send home the militia and keep up a larger portion of the standing army; but he was, indeed, surprised to hear such a doctrine from that side of the House. Had such a measure been adopted, there would soon have been an outcry raised that our liberties were endangered. It was, in fact, essential to the constitution of this country that a force like the militia should be kept up, under the command of officers possessing landed property; and he was astonished to hear a standing army preferred. But it was said the militia it-

self resembled a standing army. How was it possible it could ever become assimilated to a standing army? Were not the officers compelled to have a qualification?—[No, no, from the opposition benches.] The superior officers certainly were compelled to have the qualifications required by law, though he was aware that, in consequence of the extended service of the militia during the last war, it had been deemed advisable to admit the subaltern officers without them. But, was there nothing else that discriminated the officers of the militia from those of the regular army? Were they so dependent upon the crown? Did they look forward to promotion by the crown in the same way as the officers of the standing army did? He was far from meaning to insinuate that any of the latter would be disposed, even if required, to aid in subjugating the liberties of their fellow subjects; but he was treating the matter as a great constitutional question, and in that view it was allowable to contrast the political condition of the officers in the two descriptions of service. An hon. gentleman had said, why did not ministers come to parliament, and demand its approbation for the course they had pursued? But surely that was begging the question. If the ministers had believed they were acting illegally, though in a great state emergency, they might then have thought it necessary to apply to parliament for an indemnification; but if they were right, as he contended they were, in their construction of the Act, why should they come to parliament for a sanction to do that which was in itself legal? Such was his view of the question, which he had with great humility ventured to offer to the House, and he should certainly vote against the motion.

Mr. *Ponsonby* said, he had heard some doctrines advanced in the House that night with greater surprise than he had ever felt in his life before. He had heard a learned and hon. gentleman, high in office under the crown, confess that he did not know what was meant by the spirit of a law, as distinguished from its technical signification. It was, however, not only the duty of that House to discriminate between the spirit and the letter of a law; but he would say, that the most eminent and learned amongst those who sat on the judicial bench, regulated their conduct and proceedings, in numerous instances, by what, in their judgment, they conceived

to be the intent, the meaning, and the spirit of the laws. Was there ever a judge who administered the law technically and literally, discarding wholly from his thoughts its meaning and spirit, so far as he could collect them by gravely considering the aim and purpose for which they were enacted? But the hon. and learned Solicitor General had delivered other doctrines, which alarmed him even more than the preceding one had surprised him. The hon. and learned gentleman had advanced the doctrine, that when the crown once got an armed force into its power, it had the right to keep that force as long as it should think proper, without any view whatever to the occasion that produced it. He had heard of prerogative doctrines, and of prerogative lawyers, but he never heard of a gentleman, respectable in his profession, like the hon. and learned member, deliver such doctrines, at least since James 2 abdicated the throne. [Hear, hear!] Now, with respect to the question, he admitted that the act of parliament did not state, in express words, when the disembodying of the militia was to take place; but the sole and only discretion entrusted to the ministers of the crown upon the subject was, that they should determine whether it was fit to continue the militia embodied, with reference to the causes that had called them out. That was the amount of their discretion, and those were the limits that bounded it. Let them take either of the four cases specifically set forth by the Act; but, whether one or the other, they had no authority or power to step beyond it. Upon what ground did they call out the militia? Suppose rebellion: when rebellion was fairly and truly put down in the dominions, the ministers and the crown were bound, by the spirit of the law, to disembody the militia. But it was really absurd—the sort of argument that had been employed by the hon. and learned gentleman who spoke last, who supposed, that if rebellion were crushed in Northumberland, and yet ready to break out in Norfolk, that, even under such circumstances, the militia would be disbanded, according to the construction of the Act by the hon. and learned gentleman behind him (sir Arthur Pigott). He should be ashamed to waste a moment in replying to such a supposition. The cases which legally provided for the continuance of the militia, were clear and obvious. The object of the law was to jus-



tify the crown in keeping the militia embodied as long as real danger existed, or a revival of it was immediately to be apprehended. If the hon. and learned gentleman could show, that in the war with America there was imminent danger of invasion, it would be some justification of keeping the militia embodied, although the cause of their having been originally embodied, was the danger of invasion from France. But did the hon. and learned gentleman think that commodore M'Donough's fleet could sail from Lake Champlain and invade us? It was impossible that any man—that any child—could entertain a fear of invasion from America. Where was, then, the danger? Which of the four causes declared by the legislature to be grounds for calling out the militia, at present existed? Was there invasion? or imminent danger of invasion? or insurrection? or rebellion? If there was one subject on which the House of Commons was, or at least used to be, more jealous than another, it was entrusting the crown with a great military force. If a military force were necessary, it was desirable that that description of force should be maintained, which, under the existing circumstances, the crown could legally use. However he and those who thought with him revered the principles on which the militia was founded, they did not wish to keep them embodied against the law; not that they preferred a regular army, but simply because, by law, the crown could not keep that description of force afoot. The hon. and learned gentleman had contended, that no particular time for disembodying the militia was specified in the Act; and that parliament had the power, if they thought proper to exercise it, of interfering in the subject, either by withholding the necessary supplies for the payment of the militia, or by refusing to extend the provisions of the Mutiny Act to that description of force. But did not the hon. and learned gentleman recollect, that twelve months might elapse before parliament could interpose; and would it, therefore, be lawful to continue the militia embodied during that period, in direct contradiction to the spirit of the law? His decided opinion was, that the crown was bound by the spirit of the law; and that if it could not be shown that any of the four causes which alone justified the embodying of the militia existed, the crown was bound either to part with the militia, or to come to parliament and acquire the

power, by an act of the legislature, of retaining it in active service.

Mr. C. Grant, jun. maintained, that the militia, though called out for one purpose, might lawfully be kept together for another: called out, as in 1793, to put down insurrection, they might afterwards be kept out to repel invasion. This he supported by a reference to the Local Militia Act; in which, to mark the distinction between the service required of them and that of the regular militia, it was expressly stated, that they should be disbanded within six weeks after the repulse of an invading enemy. Thus, as no such provision was made with respect to the ordinary militia, he regarded as a proof that the intentions of the legislature had been, that they should not be disbanded immediately on the danger being averted which they were first called out to meet. He would assert, it was no novelty to the constitution to say that the militia might be kept up after the first cause of their being called out was removed, in order to enable the regular army to prosecute any national object on the continent of Europe or elsewhere. In proof of this, he referred to the proceedings of 1759. In the spring of that year the militia was called out, in consequence of a message from his Majesty, stating the kingdom to be in imminent danger of invasion from France. In the month of November of that year, the French attempted their invasion; they were, however, met and defeated by admiral Hawke, and forced to abandon their design. From that time the danger was over. Not a whisper of invasion was heard; and instead of apprehending that a foreign force would invade England, our army was actively employed on the continent, and we became the invaders of the territories of France. But what was the consequence of this with respect to the militia? It was not disbanded, because that state of things which had made it necessary to call it out, existed no longer. It was kept up through the years 1761 and 1762. His majesty called for supplies to enable him to increase the regular army; and instead of disbanding the militia, when the danger which had first caused them to be called out had vanished, they were kept in arms, that the regular army might be free to pursue a national object on the continent. Passing over the American war, he noticed the calling out of the militia, in 1793, to check insurrection. They were kept out

to repel invasion, and this had not been objected to. In the last war, they had been called out to oppose invasion. This danger, however, had not been apprehended through the whole course of the war; yet the militia had been kept out, and the House of Commons had never said any thing on the subject. Never before, when the militia had been used to fill the gap left by the regular troops being employed on the continent, and kept embodied for the internal defence of the country, had it been considered to be unconstitutional, though we had for our defence a regular army of 200,000 men. He was surprised that those who represented Europe to be in such an unsettled state, and who thought the happy days we had expected were no more to be hoped for, should, under such circumstances, call for the militia to be disbanded. He did not concur with them in the view which they took of the prospect opening before this country, but he could see abundant reason for not disembodied the militia, at all events, till the result of the pending negotiations were known. It was well known to the House, that there was at present a great demand for the services of our regular troops, both on the continent of Europe and in America; and therefore, at such a period, he thought it desirable that the militia should be kept up, in order to set the greatest possible proportion of our regular army free.

Mr. *P. Moore* thought, that if the militia were to be continued any longer embodied, they ought in point of justice to receive fresh bounties. By disembodied some of the regiments, government had manifested a consciousness of the illegality of their conduct, and had thus given a practical construction of the Act. Substitutes, at all events, ought to be disbanded, or receive new bounties.

Mr. *Osborne* said, if the hon. gentlemen would turn to the Act, he would find that it was provided that substitutes should serve so long as the militia continued to be embodied.

Sir *Samuel Romilly* made a short and spirited reply. He said he was sorry that he could not congratulate the House on the course which this discussion had taken. It now appeared that the militia were not to be disembodied, whilst the American war or the Congress at Vienna should continue. It had now become a question, not of a few months more or less, but a question of years and of an indefinite

period, and that the responsibility of ministers was all to which it could be referred. He was surprised that the hon. and learned Solicitor General should have said, that the phrase of 'the spirit of the Act' was something too vague for his understanding. Could there be any doubt that the militia must of course obey whatever were the orders they might receive from their officers, or the officers from the crown? If the spirit of the law was not to be examined, the science of law must be degraded; a Holt, a Hardwicke, a Talbot, or a Mansfield, and all the luminaries and oracles of our jurisprudence, had been deceived. Lord Coke, too, must have been in a great error when he observed, that those who confined their attention to the mere letter of the law, would seldom comprehend its meaning or its object. In this case, indeed, the objects of the Act were distinctly specified; and being so specified, were by every construction of law conclusive. How could the crown remain the judge, when every cause upon which judgment could operate had ceased? It was worthy of remark, too, that in the former militia acts, the word to 'repel' invasion, was the word employed; but in later acts it had been deemed advisable to insert also the word to 'prevent.' Did not this of itself show the precision and care with which these acts were usually framed? The conduct of the government now, was quite different from that which was observed at the conclusion of the peace of 1802; for, even during the negotiations for that peace, the militia were all disembodied; although it was known that the enemy were even then making hostile preparations, and had sent out an armament to St. Domingo. The militia were not again called out until eleven months afterwards, when the coasts were actually threatened with a hostile force, and when formidable arrangements were made for invasion by the enemy. The difference between the conduct of this government and former administrations was, that the gentlemen now in power rushed on with headstrong impetuosity, where the wisest of their predecessors dared not tread. Not one of those predecessors ever thought of continuing the militia on foot at the termination of a war; and yet it was now contended, that the present state of Europe justified their continuance, although there was no prospect of any of the occasions ever recurring again, referred to in the Act. If the learned Soli-

citor General's construction of the Act were to prevail, there would be an end at once to all the boasted bulwarks of the British constitution. Nothing, in his opinion, could be more grating to the feelings of the militia, than the circumstance of disembodiment of fourteen battalions of the regular army, at a time when the militia were continued to be embodied. Why, he would ask, were the regular army to be disembodied, and the national defenders of the country detained from the bosoms of their families, when the occasion ceased for active operations? It was pretty extraordinary that on this occasion not one of his Majesty's ministers had ventured to raise their voices in support of their own conduct. He could not say that they had sat silent spectators of what was going forward to-night; for they had loudly cheered the arguments of the learned Solicitor General, and therefore they must be considered as espousing his sentiments. He regretted that not a single county member had offered his sentiments on this question; for he should be glad to know what the country gentlemen thought of a measure, the tendency of which must be to injure the future respectability of the militia, as many persons would be deterred from accepting commissions in it, when they found they should be liable to be kept in Ireland, or some other part of the empire remote from their homes, as long after the conclusion of a peace as the crown might think proper to keep them. After the doctrines which, to his utter astonishment, he had that night heard on the subject, he declared that he would press the question to a division, if he were the only person who should go out of the House.

The House then divided:—

For the motion..... 32

Against it..... 97

Majority against the motion...—65

*List of the Minority.*

Abercrombie, J.	Horner, F.
Baring, A.	Lewis, F.
Barham, J. F.	Lambton, J. G.
Birch, Joseph	Lyttelton, W.
Cavendish, lord G.	Martin, H.
Cocks, J. S.	Madocks, W. R.
Calcraft, J.	Moore, P.
Guise, sir W. B.	Milton, lord
Grenfell, P.	Newport, sir J.
Grant, J. P.	Ponsonby, G.
Hammersley, H.	Pigott, sir A.
Horne, W.	Philips, G.
Halsey, J.	Pym, F.

Preston, R.  
Romilly, sir S.  
Rickards, R.  
Smith, J.

Scudamore, R.  
Tierney, G.  
Whitbread, S.  
Wilder, general

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply, and lord Palmerston having moved, "That 135,000*l.* be granted to his Majesty, for defraying the charge of the Regiments of Militia remaining in an embodied state, from the 25th December 1814 to the 24th of February 1815, being 62 days,"

The *Chancellor of the Exchequer* rose to explain the grounds on which this vote was proposed. It had been considered by some gentlemen a singular circumstance, that while part of the militia were kept embodied, the regular army had been reduced. Now, on this head, it was true that 24 second battalions of the regular infantry had been reduced; and the reason was, they were so inefficient in point of numbers, that the whole 24 battalions did not muster more than 8,500 men. Of these, 6,900 had been embodied with the 1st battalion, and the remainder had been discharged, either for infirmity, or because their periods of service had expired. By this measure a considerable reduction of expense had been obtained, attended with little or no reduction of military strength. It was obvious, however, that the war with America, and the keeping up of a considerable body of troops on the continent, required the maintenance of a large military force; and government, on the most mature deliberation, thought that that force would best be rendered disposable by keeping embodied a part of the militia.

Mr. *Whitbread* contended, that the keeping up of a part of the militia was any thing but a deliberate measure on the part of government. The truth was, as facts shewed, that it was a sudden thought on their part; for the Bedfordshire and the Oxfordshire militias were actually arrested when on their march to be disembodied. The whole spirit of the militia system had been broken down (not, indeed, the spirit of the men or the officers) ever since the Volunteering Act of 1799. The Act declared, that a moiety at least of the property of the militia officers should lie in the county to which their regiment belonged; and now he would appeal to any gentleman, whether this qualification was not disregarded.

Mr. *Bathurst* observed, that by the recruiting from the militia alone, this coun-

try had been enabled to make those exertions of which we all now knew the result. That policy, therefore, could not surely be matter of regret. True it was, that the retaining part of the militia embodied was not a systematic measure on the part of government, but was dictated by the commands for the employment of the regular forces abroad.

The grant was then put, and carried. It was next moved, "That 55,000*l.* be granted to his Majesty, for defraying the charge of Volunteer Corps in Great Britain and Ireland, from the 25th Dec. 1814 to the 24th June 1815."

Mr. *J. P. Grant* really thought there was an understanding on a former night, that this vote should be withdrawn altogether; and he was now surprised to hear it brought forward without the smallest preface.

Lord *Palmerston* replied, that there had been no intention to withdraw the vote altogether, but to reconsider it. It had been reconsidered, and a material reduction made. The sum which he had before proposed to take on account was 100,000*l.*; 50,000*l.* for England, and the same sum for Ireland, including 20,000*l.* for clothing and allowances. The sum now required for England was 30,000*l.* and such reductions had been made with respect to the volunteers in Ireland, that the future annual expense, it was estimated, would not exceed 55,000*l.* Of this sum he proposed now to take 25,000*l.* which, with the 30,000*l.* before mentioned on account of England, made up the grant proposed by the resolution before the committee 55,000*l.* He was surprised that gentlemen should be so anxious to see this force discontinued. There could be no reason for jealousy of those in whose hands arms were placed by this vote. This he conceived to be a species of force the most constitutional in its nature, the cheapest, and the least liable to objection. It put arms into the hands of those least likely to abuse them, and who, on any sudden emergency, were best qualified, from local knowledge and influence, to put down disorder, and to preserve the peace. In this view these corps were much more effective than any regular troops.

Mr. *J. P. Grant* said, he had expressed no jealousy of the volunteer corps, but great jealousy of the management of the public money, which the present ministers squandered on all hands with greater and more lavish profusion than any adminis-

tration with which this country was ever cursed (a laugh). He would repeat it, their profusion was a curse in the present state of our finances, which was by far the most serious difficulty with which the country had to grapple.

The *Chancellor of the Exchequer* said, it was true he had suggested reconsideration to his noble friend on a former night, as 100,000*l.* struck him at the time as a very large sum to vote for the volunteers. It would be improper to put an end to these corps all at once; and, above all, highly objectionable to disband the Irish yeomanry.

Mr. *Peel* spoke strongly of the importance of the yeomanry of Ireland. To rebut the charge of profusion brought by the hon. gentleman, he would simply state to what an extent the Irish government had reduced the estimate for the volunteer service. In 1812 it was 348,000*l.*, in 1814 it was 312,000*l.*, and now it was reduced to 58,000*l.*

Mr. *Whitbread* admired the singular confession of the Chancellor of the Exchequer. It struck the right hon. gentleman, it seemed, when 100,000*l.* was first proposed, that it was a large sum, and deserved reconsideration. Now, he had always thought that the right hon. the Chancellor of the Exchequer must be previously consulted about every estimate; but it appeared that the Secretary at War had broke loose from all such trammels. Seriously, it was surprising, that in the midst of a profound peace with the continent, it should be thought necessary to keep up an armed police in the country, with bayonets on their muskets and broadswords by their sides. Such things never had been before. These corps had volunteered for the war; that war had ceased; and in England, at least, he saw not the slightest occasion for their further services. Still, however, the questions put the other night on this very topic had saved 45,000*l.* to the public.

Lord *Palmerston* was sorry he could not congratulate the committee on any such saving, as the present vote was only for half the year. In illustration of the impropriety of disbanding the volunteers all at once, he said he had that day received a letter from a commandant of volunteer cavalry, stating great reluctance to be dismissed on the part of the corps, as they had been induced to suppose would be the case, from what had passed the other night in the House. They begged, rather



least be attended with this effect, that the public would know what was the opinion of the servants of the crown as to the nature of the militia. But he hoped he should not see that opinion supported by the final vote of the House this night. There was nothing in the state of the country that the peace-officers were not adequate to; nothing that justified the keeping the militia embodied. He gave his most cordial concurrence to the motion of his hon. and learned friend, and should have been deeply concerned, if no one member had not thought it necessary to submit it to the House.

Mr. Serjeant *Best* agreed in the principle that had been laid down, that the question ought not to be considered merely as one of technical accuracy, but that it should be argued upon broad and general grounds. Before, however, he proceeded to deliver his opinions, he was anxious to correct a mistake which existed, as to what had been delivered by his hon. and learned friend the Solicitor General. Nothing which had fallen from him could be at all construed to infer, that when the militia was once called out, the ministers might advise the crown to keep it embodied for ever: on the contrary, the whole bearing of his hon. and learned friend's argument was, that though nothing specifically appeared as to when the militia should be disembodied, yet the ministers, in continuing to keep it embodied, after all necessity for it had ceased, were subject to a heavy responsibility. There was a marked distinction, he apprehended, between the two cases. With regard to the general question, if they looked at the circumstances under which the several acts had been passed, it would occur to every one, that there was a most material difference between the power of calling out the militia, and the power of continuing it embodied. Let them look only for a moment to some of the consequences that would inevitably flow from the arguments laid down by the hon. and learned gentleman who spoke last. Suppose, the case of invasion, for instance, or the imminent danger of invasion, that the militia were in consequence called out, and the invaders defeated, then the imminence of the danger would cease, and, according to the construction of the hon. and learned gentleman, the militia must be put down immediately, even though the war were still going on; and if a fresh attempt at invasion were

made or threatened, they must be again called out at a great expense. Apply the hon. and learned gentleman's arguments to a case of rebellion, and the same inconsistency would be manifest. Suppose a rebellion in Northumberland, and the militia called out: the rebellion is put down, and the militia must be instantly disembodied, though ministers should know that another rebellion was actually about to break forth in another part of the kingdom. Such would be the necessary consequence of the hon. and learned gentleman's construction, though it was manifest, from the very nature of things, that such a construction could not be the true and legitimate one. The legislature, in fact, had wisely placed every guard round the power of the crown in calling out the militia; but when it was once called out, it was left to the discretion of ministers, subject to responsibility, fairly and honestly to decide upon the necessity or propriety of continuing it. The very words of the militia acts confirmed that doctrine. In one of the sections it was expressly stated, that the militia were to be disembodied when his Majesty should think fit. [Hear, hear, from the opposition benches.] He quoted from memory, but if he was not greatly mistaken, those words would be found in the 144th section of the Act of the 42nd of the King: he was not surprised at the seeming incredulity of the hon. gentlemen opposite; for if those were the terms of that section, as he firmly believed, what could be more explicit? All that was contended for on that side of the House was, that, in continuing the militia embodied, there was nothing illegal *per se*; for if it had been thought necessary to continue the same caution and securities in putting the militia down, which were employed in calling it forth, they would have been repeated in the latter clauses of the Act. One hon. member had said, that it would be better to send home the militia and keep up a larger portion of the standing army; but he was, indeed, surprised to hear such a doctrine from that side of the House. Had such a measure been adopted, there would soon have been an outcry raised that our liberties were endangered. It was, in fact, essential to the constitution of this country that a force like the militia should be kept up, under the command of officers possessing landed property; and he was astonished to hear a standing army preferred. But it was said the militia it-

self resembled a standing army. How was it possible it could ever become assimilated to a standing army? Were not the officers compelled to have a qualification?—[No, no, from the opposition benches.] The superior officers certainly were compelled to have the qualifications required by law, though he was aware that, in consequence of the extended service of the militia during the last war, it had been deemed advisable to admit the subaltern officers without them. But, was there nothing else that discriminated the officers of the militia from those of the regular army? Were they so dependent upon the crown? Did they look forward to promotion by the crown in the same way as the officers of the standing army did? He was far from meaning to insinuate that any of the latter would be disposed, even if required, to aid in subjugating the liberties of their fellow subjects; but he was treating the matter as a great constitutional question, and in that view it was allowable to contrast the political condition of the officers in the two descriptions of service. An hon. gentleman had said, why did not ministers come to parliament, and demand its approbation for the course they had pursued? But surely that was begging the question. If the ministers had believed they were acting illegally, though in a great state emergency, they might then have thought it necessary to apply to parliament for an indemnification; but if they were right, as he contended they were, in their construction of the Act, why should they come to parliament for a sanction to do that which was in itself legal? Such was his view of the question, which he had with great humility ventured to offer to the House, and he should certainly vote against the motion.

Mr. Ponsonby said, he had heard some doctrines advanced in the House that night with greater surprise than he had ever felt in his life before. He had heard a learned and hon. gentleman, high in office under the crown, confess that he did not know what was meant by the spirit of a law, as distinguished from its technical signification. It was, however, not only the duty of that House to discriminate between the spirit and the letter of a law; but he would say, that the most eminent and learned amongst those who sat on the judicial bench, regulated their conduct and proceedings, in numerous instances, by what, in their judgment, they conceived

to be the intent, the meaning, and the spirit of the laws. Was there ever a judge who administered the law technically and literally, discarding wholly from his thoughts its meaning and spirit, so far as he could collect them by gravely considering the aim and purpose for which they were enacted? But the hon. and learned Solicitor General had delivered other doctrines, which alarmed him even more than the preceding one had surprised him. The hon. and learned gentleman had advanced the doctrine, that when the crown once got an armed force into its power, it had the right to keep that force as long as it should think proper, without any view whatever to the occasion that produced it. He had heard of prerogative doctrines, and of prerogative lawyers, but he never heard of a gentleman, respectable in his profession, like the hon. and learned member, deliver such doctrines, at least since James 2 abdicated the throne. [Hear, hear!] Now, with respect to the question, he admitted that the act of parliament did not state, in express words, when the disembodying of the militia was to take place; but the sole and only discretion entrusted to the ministers of the crown upon the subject was, that they should determine whether it was fit to continue the militia embodied, with reference to the causes that had called them out. That was the amount of their discretion, and those were the limits that bounded it. Let them take either of the four cases specifically set forth by the Act; but, whether one or the other, they had no authority or power to step beyond it. Upon what ground did they call out the militia? Suppose rebellion: when rebellion was fairly and truly put down in the dominions, the ministers and the crown were bound, by the spirit of the law, to disembody the militia. But it was really absurd—the sort of argument that had been employed by the hon. and learned gentleman who spoke last, who supposed, that if rebellion were crushed in Northumberland, and yet ready to break out in Norfolk, that, even under such circumstances, the militia would be disbanded, according to the construction of the Act by the hon. and learned gentleman behind him (sir Arthur Pigott). He should be ashamed to waste a moment in replying to such a supposition. The cases which legally provided for the continuance of the militia, were clear and obvious. The object of the law was to jus-

tify the crown in keeping the militia embodied as long as real danger existed, or a revival of it was immediately to be apprehended. If the hon. and learned gentleman could show, that in the war with America there was imminent danger of invasion, it would be some justification of keeping the militia embodied, although the cause of their having been originally embodied, was the danger of invasion from France. But did the hon. and learned gentleman think that commodore M'Donough's fleet could sail from Lake Champlain and invade us? It was impossible that any man—that any child—could entertain a fear of invasion from America. Where was, then, the danger? Which of the four causes declared by the legislature to be grounds for calling out the militia, at present existed? Was there invasion? or imminent danger of invasion? or insurrection? or rebellion? If there was one subject on which the House of Commons was, or at least used to be, more jealous than another, it was entrusting the crown with a great military force. If a military force were necessary, it was desirable that that description of force should be maintained, which, under the existing circumstances, the crown could legally use. However he and those who thought with him revered the principles on which the militia was founded, they did not wish to keep them embodied against the law; not that they preferred a regular army, but simply because, by law, the crown could not keep that description of force afoot. The hon. and learned gentleman had contended, that no particular time for disembodying the militia was specified in the Act; and that parliament had the power, if they thought proper to exercise it, of interfering in the subject, either by withholding the necessary supplies for the payment of the militia, or by refusing to extend the provisions of the Mutiny Act to that description of force. But did not the hon. and learned gentleman recollect, that twelve months might elapse before parliament could interpose; and would it, therefore, be lawful to continue the militia embodied during that period, in direct contradiction to the spirit of the law? His decided opinion was, that the crown was bound by the spirit of the law; and that if it could not be shown that any of the four causes which alone justified the embodying of the militia existed, the crown was bound either to part with the militia, or to come to parliament and acquire the

power, by an act of the legislature, of retaining it in active service.

Mr. C. Grant, jun. maintained, that the militia, though called out for one purpose, might lawfully be kept together for another: called out, as in 1793, to put down insurrection, they might afterwards be kept out to repel invasion. This he supported by a reference to the Local Militia Act; in which, to mark the distinction between the service required of them and that of the regular militia, it was expressly stated, that they should be disbanded within six weeks after the repulse of an invading enemy. Thus, as no such provision was made with respect to the ordinary militia, he regarded as a proof that the intentions of the legislature had been, that they should not be disbanded immediately on the danger being averted which they were first called out to meet. He would assert, it was no novelty to the constitution to say that the militia might be kept up after the first cause of their being called out was removed, in order to enable the regular army to prosecute any national object on the continent of Europe or elsewhere. In proof of this, he referred to the proceedings of 1759. In the spring of that year the militia was called out, in consequence of a message from his Majesty, stating the kingdom to be in imminent danger of invasion from France. In the month of November of that year, the French attempted their invasion; they were, however, met and defeated by admiral Hawke, and forced to abandon their design. From that time the danger was over. Not a whisper of invasion was heard; and instead of apprehending that a foreign force would invade England, our army was actively employed on the continent, and we became the invaders of the territories of France. But what was the consequence of this with respect to the militia? It was not disbanded, because that state of things which had made it necessary to call it out, existed no longer. It was kept up through the years 1761 and 1762. His majesty called for supplies to enable him to increase the regular army; and instead of disbanding the militia, when the danger which had first caused them to be called out had vanished, they were kept in arms, that the regular army might be free to pursue a national object on the continent. Passing over the American war, he noticed the calling out of the militia, in 1793, to check insurrection. They were kept out

to repel invasion, and this had not been objected to. In the last war, they had been called out to oppose invasion. This danger, however, had not been apprehended through the whole course of the war; yet the militia had been kept out, and the House of Commons had never said any thing on the subject. Never before, when the militia had been used to fill the gap left by the regular troops being employed on the continent, and kept embodied for the internal defence of the country, had it been considered to be unconstitutional, though we had for our defence a regular army of 200,000 men. He was surprised that those who represented Europe to be in such an unsettled state, and who thought the happy days we had expected were no more to be hoped for, should, under such circumstances, call for the militia to be disbanded. He did not concur with them in the view which they took of the prospect opening before this country, but he could see abundant reason for not disembodied the militia, at all events, till the result of the pending negotiations were known. It was well known to the House, that there was at present a great demand for the services of our regular troops, both on the continent of Europe and in America; and therefore, at such a period, he thought it desirable that the militia should be kept up, in order to set the greatest possible proportion of our regular army free.

Mr. P. Moore thought, that if the militia were to be continued any longer embodied, they ought in point of justice to receive fresh bounties. By disembodied some of the regiments, government had manifested a consciousness of the illegality of their conduct, and had thus given a practical construction of the Act. Substitutes, at all events, ought to be disbanded, or receive new bounties.

Mr. Osborne said, if the hon. gentlemen would turn to the Act, he would find that it was provided that substitutes should serve so long as the militia continued to be embodied.

Sir Samuel Romilly made a short and spirited reply. He said he was sorry that he could not congratulate the House on the course which this discussion had taken. It now appeared that the militia were not to be disembodied, whilst the American war or the Congress at Vienna should continue. It had now become a question, not of a few months more or less, but a question of years and of an indefinite

period, and that the responsibility of ministers was all to which it could be referred. He was surprised that the hon. and learned Solicitor General should have said, that the phrase of 'the spirit of the Act' was something too vague for his understanding. Could there be any doubt that the militia must of course obey whatever were the orders they might receive from their officers, or the officers from the crown? If the spirit of the law was not to be examined, the science of law must be degraded; a Holt, a Hardwicke, a Talbot, or a Mansfield, and all the luminaries and oracles of our jurisprudence, had been deceived. Lord Coke, too, must have been in a great error when he observed, that those who confined their attention to the mere letter of the law, would seldom comprehend its meaning or its object. In this case, indeed, the objects of the Act were distinctly specified; and being so specified, were by every construction of law conclusive. How could the crown remain the judge, when every cause upon which judgment could operate had ceased? It was worthy of remark, too, that in the former militia acts, the word to 'repel' invasion, was the word employed; but in later acts it had been deemed advisable to insert also the word to 'prevent.' Did not this of itself shew the precision and care with which these acts were usually framed? The conduct of the government now, was quite different from that which was observed at the conclusion of the peace of 1802; for, even during the negotiations for that peace, the militia were all disembodied; although it was known that the enemy were even then making hostile preparations, and had sent out an armament to St. Domingo. The militia were not again called out until eleven months afterwards, when the coasts were actually threatened with a hostile force, and when formidable arrangements were made for invasion by the enemy. The difference between the conduct of this government and former administrations was, that the gentlemen now in power rushed on with headstrong impetuosity, where the wisest of their predecessors dared not tread. Not one of those predecessors ever thought of continuing the militia on foot at the termination of a war; and yet it was now contended, that the present state of Europe justified their continuance, although there was no prospect of any of the occasions ever recurring again, referred to in the Act. If the learned Soli-



Enclosure No. 1, in Major General Smith's, of 31st August 1814. (Copy.—Private)

" Cadiz, 16th May, 1814.

" Sir; I beg you to acquaint his excellency the commanding officer, under due reserve, that the following persons have either left or are about to leave this for Gibraltar, in consequence of the late change of politics; that his excellency, informed of their principles, may decide what he may judge best with respect to their residence in this garrison.

" Don Miguel Cabrera, the author of several publications inserted in the *Duende* against the king of Spain, and of a very late one, exciting the inhabitants of this city to revolt against the governor and civil authorities, &c.

" Don Antonio Puigblanc, the author of the *Inquisition sin Mascara*, and of various other papers, and a friend and companion of the former. These two persons are provided with a passport from general Valdes, endorsed by me.

" Lopez, the author of the *Duende*, the paper in which the repeated calumnies against the British troops on their entrance into St. Sebastian, and of many other scurrilous productions, appeared. Correa, formerly an officer in the Spanish service, the author of similar publications, and supporter of the *Duende*, &c.; and it is probable they may be followed by other persons of the same description. I have the honour to be, &c.

(Signed) JAMES DUFF.

" J. Stedman, esq.

" Secretary, Gibraltar."

Enclosure No. 2, in Major General Smith's, of 31st August, 1814.—(Translation.)

" Your Excellency ;

" By a Royal Order of the 4th instant, dispatched from Valencia, his majesty Ferdinand the 7th has been pleased to confer upon me the most ample faculties of captain general of the marine department of Cadiz, civil and military governor of the same, and of that fortress. It being my duty to fulfil with the greatest punctuality and exactitude the instructions with which I am furnished, possessing information that there were in that city certain troublesome persons, who, removed to any other place, may prove of infinite prejudice, not only to the nation, but also to the interest of the town where they reside, as they cannot live by any other

means than committing excesses and sowing discords by their writings and conversations, which poison sensibly to the hearts of incautious persons ; I request your excellency, that if it should happen that any of these men, such as Don Diego Carrea, one Cabrea, Puigblanc, one Aldama, and other similar characters, knowing their perfidy, their crime, and fearing justly the punishment they deserve, should pass to your garrison, although with passports from a legal authority, your excellency will be pleased, for the benefit that must inevitably result from it, to prevent that such turbulent characters, such pests of society, remain at liberty in the place, delivering them over for the disposal of the commandant general of the camp of Gibraltar, or send them direct to Cadiz, where I expect to be to-morrow ; with the assurance that, in doing so, your excellency will render an essential service both to your nation and mine. I avail myself of this opportunity to assure your excellency of my desires to meet your wishes. May God, &c. &c.

" Yours, &c. JUAN VILLAVICENCIO.  
" Port St. Maria, 16th May, 1814."

[MONTAGU AND PELHAM PACKETS.] Lord Nugent observed, that the papers which he had moved for in the last session, relative to the above packets, and which were accordingly laid before the House, had, on the last day of the session, and without any notice or communication on the subject, been ordered to be returned to the General Post-office, on the ground that their disclosure would be prejudicial to the public service ; and extracts from the same were ordered to be laid before the House. His lordship said, that had he received any intimation of the proceeding which was to be adopted, he should have stated his reasons for objecting to it, which, from there being no question before the House, he was at present precluded from doing. He begged to ask, what was the nature of the danger apprehended to the public service from the papers which had been produced ; and when the extracts which had been ordered were to be forthcoming ?

Mr. Lushington said, that if the noble lord would, after the recess, renew his motion, he had reason to think that the re-production of the papers would not be objected to.

IRISH BLEACHING POWDER BILL.] Mr.

*Ponsonby* rose, pursuant to the notice he had given, for leave to bring in a Bill for the repeal of the countervailing duties on Irish Bleaching Powder imported from Ireland, which had passed into an Act last session. This Act, he contended, was a direct violation of the articles of the Union. Many representations, he understood, had been made to the Treasury, upon the injurious tendency of an advantage which was said to remain with the Irish manufacturer, in the process of making the bleaching powder; out of these arose, he believed, the prohibitory clause, which formed the ground of his complaint, because it was in direct violation of the 5th article of the Union, which acknowledged the free and uninterrupted intercourse for the transfer of raw material between the three countries, for their domestic consumption. This clause, imposing a countervailing duty, had been introduced on the 30th of July, the last day of their sitting. It crept in unnoticed by those who usually attended to the measures of parliament, regulating the manufactures of Ireland. It went to a direct violation of the Union compact, and must therefore be repealed. If the right hon. the Chancellor of the Exchequer had it in contemplation to propose any remedy for the alleged advantage which those duties were to counterbalance, he could easily state the facts, without involving himself in a violation of a solemn legislative enactment; if an inequality existed; let it be removed, but let not the Irish manufacturer be exposed to the great hardships of this clause, which fell heavily upon his interests. *Mr. Ponsonby* said, he was willing to hear what was the intention of the right hon. gentleman, at the same time he would not refrain from moving at present, for leave to bring in a Bill to repeal the Act to impose a countervailing Duty of Excise on Bleaching Powder imported from Ireland.

*Mr. Lushington* suggested whether it would not be better to move for the amendment, and not the repeal of this Act. He proceeded to explain the nature of the Act itself. This was not the first time it had been considered by the House, nor was it the first when the right hon. gentleman's opinion had been delivered upon the subject, fully concurring in the principle from which the clause emanated. The Irish manufacturer derived a notorious advantage from having his salt used in this powder, duty free. In Eng-

land, a duty of fifteen shillings a bushel was paid, in Scotland six shillings, thereby giving an unfair advantage in favour of Ireland. *Mr. Lushington* here read several minutes of council relative to those duties, all concurring in the necessity of their being met by such a clause as had been introduced last session. He also recited, from the speeches of Messrs. Foster, Ponsonby, and sir J. Newport, confirmatory opinions upon this point. It was a fair and just principle, that where one country paid no duty upon an article, in the manufacture of which another did within the same jurisdiction, the country not paying should be visited with an equalizing impost, to lessen the force of its unequal competition. As an amendment to the right hon. gentleman's motion, he would propose, that the Act of last session be referred to a committee, to inquire into those duties, and to report thereon. As a proof of the necessity of this preparatory step, and of further information on the subject, he would only advert to one fact. In one statement made to government, it was asserted that one hundred bushels of common salt would make one hundred weight of bleaching powder. In another calculation of the same nature, it was stated, that this quantity of salt was equal to 2,000 lbs. of powder; from these contradictory statements, an inquiry into the real fact was essentially necessary previous to a final decision. He would, however, admit, that the clause was a violation of the Act of Union: and with a view of instituting a fair inquiry into the subject, he would propose a committee, to inquire into the state of the laws on those duties imposed upon articles used in the manufacture of oxygenated muriatic acid.

*Sir John Newport* said, the question at issue resolved itself into this: was the Act of last session a violation of the articles of the Union? It clearly was a breach of that bond of connection which united both countries; and it would ill befit the dignity of that House to admit the existence of a committee, whose labour would be to ascertain the quality of a compromise between a clause, such as the present Act contained, and the solemn enactments of the legislature. Before the question could at all be entertained of removing any advantage which the Irish manufacturer might happen to possess, it was imperative that this Act should be repealed. Even were its object an extension of benefits to Ireland, the repeal

would not be the less necessary. An infraction of the Act of Union was manifest, and it would be highly indecorous, therefore, to allow its continuance during the sitting of any committee for an inquiry arising out of such a breach of obligation. This infraction once admitted, no argument could be listened to on the points. The Act of Union was a sacred bond, which must remain unimpaired; and they might rest assured, that whatever weakened that measure in public estimation, would, in its consequences, be fatal to the public security. The only mode of preserving harmony between the two countries, was to shew an equal anxiety for the interests of both. He contended, that the countervailing duties in this instance, as indeed in most others, ought entirely to be done away. It appeared, indeed, that 100 bushels of salt were convertible into either 1 cwt. or 2,000 lbs. of bleaching powder; it was also known, that this powder could be made without salt at all. Here, then, arose an encouragement for fraudulent drawbacks, highly detrimental to the public service, and of vital injury to the revenue, which it almost might be said to sap. The right hon. baronet concluded by saying, that as to the regulations to be hereafter adopted, it seemed to him that in a manufacture where there was such uncertainty as to the quantity of materials necessary, all drawbacks should be abolished, or the revenue would suffer by it.

The *Chancellor of the Exchequer* suggested the repeal of as much of this Act, prohibiting the importation of bleaching powder, as was a violation of the Act of Union. This would embrace the point urged by the right hon. gentleman opposite. The committee, however, would be useful, to enter into topics highly necessary in the detail.

Mr. *Ponsonby* said, it was pretty plain that a violation of the Act of Union had taken place. His object was to repeal the Act which led to this breach, not to prevent a fair arrangement of placing the manufactures of the empire upon one and the same footing. It would then be sufficient for his purpose, that the part affecting the Treaty of Union would be repealed. He could not see the use of any committee to investigate a subject so clearly supported by justice and the law of the land.

The *Chancellor of the Exchequer* agreed, that all the manufacturers of the united

empire should be upon the same basis of encouragement. From the detail connected with the question in debate, a committee would, in his opinion, be advisable; of course it could not be operative until after the recess. He would propose, that leave be given to bring in a Bill, "to repeal so much of the said Act as prohibits the export or bringing in of Irish Bleaching Powder from Scotland into England."

After a short conversation, the amendment of the *Chancellor of the Exchequer* was agreed to.

MR. GEORGE ROSE.] Mr. *Rose* said, that he rose in consequence of an allusion which had been made to a sum of 100 guineas which had been voted the night before, as clerk of the parliaments. He observed, that the hon. gentleman who had mentioned it was undoubtedly justified in mentioning the subject at the time when it occurred to him, though he (Mr. *Rose*) was not then in the House; but as he was, therefore, called on to explain the vote, he should, with the permission of the House, state the circumstances under which that allowance was made. There were, he said, many allowances which had been made to the clerk of the parliaments from time immemorial, among which was one of 25 copies of all acts of parliament, which had always been turned by them to their profit. To shew that he had not been over-anxious to make the most of his office, he should state, that there was also a large allowance to the office which he held, for stationary; under which some articles not generally known by that name were included, such as Scotch coals, wax candles, and satin bags. For these articles, his predecessor had received 580*l.* For this he (Mr. *Rose*) had never received one farthing in money, merely taking a moderate allowance of paper and pens; although the Speaker of that House, and many other public officers, received allowances in commutation for stationary. As to the item in question, it appeared, by a minute of the Treasury, that the value of the 25 copies of the acts of parliament given to the clerks of parliament, was 132*l.* a year; and that for this perquisite he had received, as an equivalent, 50 guineas a year. The sum of 100 guineas was the amount of the allowance for two years. As it was important to the public to know how to appreciate the character of its servants, he should trouble the House by stating how he had

acted in the office of secretary of the Treasury. When he had first received that office, he found that the emoluments consisted in fees and perquisites; and finding himself uneasy in such a situation, he desired a fixed salary. The average emoluments, in five years of peace, had been 3,440*l.*, and in five years of war 5,100*l.*; for this he accepted 3,000*l.* a year only; and when, at a subsequent time, that allowance was thought inadequate, and increased to 4,000*l.* a year, he had refused to take advantage of the good will of the lords of the Treasury on that occasion. [Mr. Rose read the minute of the Treasury stating this fact.] He had said thus much to clear himself not only from blame, but from the imputation of having done any thing mean and shabby. Mr. Rose concluded by warmly appealing to his life, as a proof that he had never lent himself to any act which could be construed into an acceptance of that which was mean or unbecoming; on the contrary, he had, in every instance, and he hoped successfully, avoided the possibility of incurring so gross an imputation.

Mr. *Whitbread* lamented that the right hon. gentleman had not been in his place last night, to make the defence at which he had just laboured so hard. His name had never appeared in the papers before, and it was not extraordinary that he (Mr. *Whitbread*) should remark upon it: nor was it singular, considering the peculations and tricks that were proved to have been practised formerly in the office of the right hon. gentleman, such as including supplies of Scotch coals, wax candles, and satin bags, under the head of stationery, that it should not be generally known that so wonderful an alteration had taken place during the æra of purity of the right hon. gentleman. If he (Mr. *Whitbread*) were called upon to state what he really thought upon the subject, he must say, that he was very sorry that the 50 guineas had stuck in Mr. Rose's throat, and that he should have got rid of the obstruction in the way the House had witnessed. [A laugh.]

Mr. *Rose* said, that the hon. member was the first that had ever made an objection to the sum given as an equivalent for the 25 acts of parliament: it was enough for him (Mr. *Rose*) to hear any man breathing object to it, to induce him to assert, that he never would again touch a shilling of it. [Hear! and a laugh.]

ORANGE ASSOCIATIONS IN IRELAND.] Sir *John Newport* rose, to make his promised motion relative to certain associations in Ireland. Upon a former occasion he had indulged the hope that the sense of parliament, so clearly, and, with a single exception, so unanimously expressed, would have discouraged those associations, and would have led to that total abandonment of their principle, which would have gone some way at least in tranquillizing the internal state of Ireland. It was in vain to look towards this happy consummation, until all associations were entirely extinguished, and, to use the emphatic words of a noble lord (*Castlereagh*) not then present, "until the people were under the dominion of the law, and not under that of clubs and associations." Although he had known of the existence of those societies when the subject was last before the House, yet he confidently expected that they would have dispersed when the voice of parliament became expressed, and that this system, whose only object was the insult of one class of fellow-citizens against another, for the petty purposes of party triumph, would have wholly dissolved. He regretted he had been mistaken, and this regret was heightened when he had observed, that a right hon. gentleman (Mr. *Peel*) high in office in Ireland, had considered himself called upon to protect and encourage those societies which parliament had declared were obnoxious to the public peace. It became, then, full time for the people of Ireland to know on what authority those institutions existed. This was of importance, from the fact of their illegality having been proclaimed from high legal authority. With this view he originated his motion, for the purpose of shewing, as had been stated before by a noble lord, the necessity "of re-echoing the wish of parliament by the voice of the country, and of repressing, without ulterior measures, any society within the empire of the law; and that, whatever their origin might be, they had outlived the danger which called them forth, and were exposed to the Act of 1799, which stamped illegality on meetings so composed." Sir *J. Newport* then quoted the observation of Mr. *Canning* last year, that, whatever digressions gentlemen had entered into, no man was found to commit himself in the defence of those associations; and that they would, of course, perish, when the sense of parliament became so clearly expressed



upon the illegality of their formation. It was, however, painful to find, that this discouragement had been ineffectual, and that a right hon. gentleman had received and returned answers to one or two of those associations—answers which he (sir John Newport) was sorry to say, appeared commendatory of their principles. The right hon. baronet, as a proof of the evil effects produced by the Orange associations in Ireland, adverted to the circumstance of the grand jury of a county in the North of Ireland, who had absolutely defeated the Prison Act, which had been introduced by a right hon. friend of his. By that Act, it was provided that each of the gaols in Ireland should be attended by a Roman Catholic clergyman. The jury to which he alluded did not directly deny a Roman Catholic clergyman to the county gaol; but they appointed a degraded priest to act as chaplain; knowing, from the regulations of the church to which he belonged, that it was impossible for him to officiate satisfactorily. For three years, this was a source of constant dispute between the going judges of assize and the grand jury. He could not sufficiently admire the description which a learned judge, now deceased (lord Avonmore) had given of real loyalty, when members of the Orange faction were represented to him as loyal, who had, in fact, transgressed the laws: "I know," said he, "of no loyalty, except that which obeys the laws, and exerts its best efforts to see them carried fairly into effect. I cannot consider him to be a loyal man, who acts contrary to them for the purpose of advancing his own views of riot and violence!" When the great Atlas that had so long supported the fabric of bigotry in Ireland, was tottering—when the fabric itself was on the point of falling—it excited his regret to perceive an attempt made to rescue it from impending destruction. It was, however, utterly impossible to continue the system. The good sense, the increasing knowledge of the people, must operate to overthrow it. The right hon. baronet then moved, "That there be laid before this House, copies of all Addresses from societies or bodies of men calling themselves Orange associations or lodges, and also of all Addresses from grand juries in Ireland, on the subject of such Orange societies, to the principal secretary for that part of the kingdom, with his answers thereto."

Mr. Peel said, he rose to second the

right hon. baronet's motion for the production of the documents upon which he had so strangely commented, though, perhaps, a fair doubt might be entertained, whether they were of that nature and character which would justify the House in calling for them. But, though he had no objection to their production, as he had evinced by seconding the motion, he could not avoid troubling the House with a few observations upon the speech by which it had been introduced. He regretted very much, that the right hon. baronet had not stated more distinctly the grounds upon which his motion was founded, and the object for which it was made. Upon the latter point, it was difficult to form even a guess; but he confessed, that what had fallen from the right hon. baronet, had rather confirmed an opinion which he had before formed upon this subject. It would be recollected, that on a former occasion, the right hon. baronet had complained that his conduct had been misrepresented, and that he had been accused of being absent from his duty. The right hon. baronet, had, indeed, taken an opportunity of exculpating himself from that imputation; but as the right hon. baronet had proclaimed himself upon a former occasion to be descended from one of king William's Dutch guards, and as he had spoken in favour of the Peace Preservation Bill, he might conceive it to be necessary to make this motion, in order to rescue himself from the suspicion of being an Orangeman. [A laugh.] If, however, that was not the motive by which the right hon. baronet was actuated, it was utterly impossible for him to guess at the object which he could propose to himself, by making such a motion upon such grounds.

The speech of the right hon. baronet referred, he believed, to one which he (Mr. Peel) made in the last session of parliament. He wished very much that the right hon. baronet had been in his place upon that occasion, because it would have saved him the trouble of making the present motion; he would then have been able to judge whether he (Mr. Peel) had given encouragement to societies, most unjustly described by the right hon. gentleman as societies 'illegally formed, for the purpose of insulting and harrassing their fellow subjects.' It would, however, have been but candid towards him, and respectful towards the House, if the right hon. baronet, when he preferred

such a charge, had stated the grounds upon which it was founded—if he had stated in what manner and upon what occasion he (Mr. P.) had given encouragement to illegal societies formed for such purposes, or to political combinations of any description or character, as had been described. The right hon. baronet had spoken generally of addresses presented to him (Mr. P.) from Orange lodges, and of his answers. Why had not the right hon. baronet, in support of his charge, stated when, upon what occasion, and by whom, those addresses were presented? He had stated that they were published; if they were, why did he not produce them? He had a right, the House had a right, to call upon the right hon. baronet to state, not generally and vaguely, but distinctly and specifically, the grounds of his charge. Let the right hon. baronet, if he thought proper, amend his motion, so as to call for every address that had ever been presented to him, in which there was any allusion, directly or indirectly, to this subject, together with his answers. He would willingly support such an amendment, because he only wished that the charges which had been made, should be put in such a shape as to enable him to meet them distinctly. In the course of the last session, an hon. baronet (member for the Queen's County), presented to the House some petitions respecting Orange societies, but before he presented them, he communicated his intention to him (Mr. Peel.) He thanked the hon. baronet for his courtesy, but expressed his regret, that he should have felt it his duty to bring forward such a subject. The hon. baronet did present the petitions, and he (Mr. Peel) took that opportunity of stating clearly, and without reserve, his opinions upon the subject, in order to remove some misapprehension which prevailed; and he also made some observations upon the petitions themselves; he shewed to the House, that though they purported to come from persons of all religious persuasions, yet that many of the signatures were written by the same person; one particular instance he pointed out, where ninety-eight or ninety-nine names consecutively were in the same hand-writing. What he stated upon that occasion, if necessary, he would now repeat. He had never spoken a word, or written a line upon it, which he was desirous to retract. If the principles and conduct of any body of men were misrepresented, nothing should

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deter him from rising to point out the misrepresentation, and to vindicate them from unmerited charges: persons might disapprove of the principle of all combinations, but they ought, in common justice, to draw a distinction, where a distinction existed, and not confound the associations of the loyal with other associations of a very different character.

After making the statement which, upon that occasion, he felt it his duty to make, he would ask the House, whether it was of such a nature as to warrant the right hon. baronet in the language which he had used upon this occasion? He would ask every gentleman who heard him upon the occasion to which he referred, whether the sentiments which he then expressed were such as were likely to come from a person who wished to encourage and promote party feeling and religious animosity. Upon his return to Ireland, at the conclusion of the session, he received from the grand jury of the county of Fermanagh, an address, expressing their approbation of his parliamentary conduct, and a confidence in him, with which he was highly gratified, and which he should be ever anxious to merit and retain. To that address he would read his answer, as it was for the present purpose the most important; and he begged that the House would recollect, that the right hon. baronet had grounded his motion upon what he stated he had seen published in the newspapers. [Here Mr. Peel read his answer to the address.] This was the document, for there was no other upon which the right hon. baronet thought himself warranted in making, in the face of the House, the statement they had just heard. He would now ask the right hon. baronet, whether he thought his assertion was well-founded? He firmly believed there was no other document in existence upon this subject, and that he had never received and answered any other address of a similar nature, except one from the corporation of Dublin, which contained a remote allusion to the same subject, to which he would read his answer. [Mr. Peel here read the answer.] The House was now in possession of all the documents upon which the right hon. baronet had founded his charge. There was not another document in existence that he could recollect. If, however, he should turn out to be mistaken—if he should, upon a minute search, find any paper relating to this subject, he promised the right hon. baronet it should

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tions, moved for the following Accounts :

1. " A statement of the number of accounts contained in the list dated the 24th of March 1814, which have been audited, stated, or declared since that time ; together with a statement of the number of accounts which have since been delivered into the office for auditing accounts, specifying whether such accounts are complete, and accompanied by vouchers, or incomplete : 2. A summary statement of the progress made by the commissioners for West India accounts, since the 10th of June 1811, showing the number of accounts audited, stated, or declared since that time ; together with the number of accounts which have not yet been audited, stated or declared : 3. A summary statement of the progress made by the commissioners for examining the accounts of the barrack-master-general since the 10th of June 1811, stating whether any of those accounts have been declared since that time, and for what periods, and at what time the final examination of those accounts is likely to be completed : 4. A summary statement of the progress made by Mr. Saunders in the examination of the accounts of the late Mr. Wyatt, since the 10th of June 1811 ; together with a list of such accounts as remain to be examined : 5. A statement showing the number of regimental accounts which have been received, and the number of them which have been finally settled or completely examined since the 10th of June 1812, and distinguishing the years to which such accounts relate : 6. A statement showing the number of regimental militia accounts which have been received, and the number of them which have been finally settled or completely examined since the 10th of June 1812 ; and distinguishing the years to which such accounts relate : 7. A statement of the progress made in the examination of regimental accounts for the ten years from 1784 to 1794, since the 10th of June 1811 ; together with the number of accounts delivered for any of the said years subsequent to that date : 8. A summary statement of the periods up to which the commissariat accounts have been delivered in for auditing by the different commissaries for the West Indies, Peninsula, Mediterranean, and North America, noting whether any and which of the said accounts have been delivered complete or incomplete, and whether with or without the vouchers, and distinguishing the cash

accounts from the store accounts : 9. A summary statement up to what periods any of the said commissariat accounts have been audited : 10. A statement of the number and dates of returns or reports received from the commissioners of West India revenue inquiry, specifying the colonies or settlements, ports or places, to which such returns or reports relate."

Mr. *Baring* took that opportunity to express his high approbation of the efforts of the hon. gentleman, who, if he succeeded in getting these last accounts referred to a committee, would do more good to the country than any person who had gone before him. He had already stated, and would now repeat, that the abuses in the commissariat department had been of the grossest and most enormous description, and the extent of which could not appear by any mode of auditing the accounts. It was his intention, very early after the recess, to move to refer the accounts of the army extraordinaries to a committee up stairs, to examine and report their opinion thereon.

The motions were severally put, and carried.

BREAD ASSIZE BILL.] Mr. Alderman *C. Smith* moved, " That the several Acts for setting the price and assize of bread, and for punishing persons who shall adulterate meal, flour, or bread, or who shall sell, or expose for sale, bread deficient in weight, and generally for regulating the trade of bakers, and the sale and manufacture of bread, might be read ;" and the same being read, he next moved, " That leave be given to bring in a Bill to repeal the Acts now in force relating to bread to be sold in the city of London and liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange ; and to prevent the adulteration of meal, flour, and bread, within the same limits."

Mr. *Baring* had never heard of a Bill being introduced for altering a law on so important and generally interesting a subject as the present, without some reason for the alteration being assigned.

Mr. Alderman *C. Smith* stated his object to be, in the first place, to prevent the adulteration of the flour and meal used in making bread ; and also to render bakers more generally liable to punishment for selling bread short of weight. At present, an inquest could not convict without seizing the whole contents of a shop : thus the bakers who supplied the chandlers

shops, at which so great a portion of the lower orders were the purchasers, might daily send out bread short of weight to such shops, in every direction, and escape any material penalty; it being impossible to detect them in this nefarious practice through all their connections. There was also no positive law respecting the use of alum. He wished to have the Bill referred to a special committee.—Leave given.

COMMITTEE OF SUPPLY — ADJOURNMENT.] On the report of the committee of supply being brought up, and it being moved, "That the House do agree to the same,"

Mr. *Ponsonby*, as the motion of an hon. and learned friend of his for papers respecting the naval conduct of the American war, which stood for Thursday, might cause a long debate, desired to know if the right hon. the Chancellor of the Exchequer would have any objection to postpone, for one day, his motion for the adjournment of the House? He thought no inconvenience could result from postponing the adjournment to Friday, and he conceived this would be a great accommodation to all parties.

The *Chancellor of the Exchequer* saw no reason for postponing the adjournment. He did not know that the motion of the hon. and learned gentleman must necessarily occupy so much time as to interfere with the discussion of the question of adjournment. If gentlemen opposite were of a different opinion, he thought one of the motions might be anticipated.

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The *Speaker* said, it was irregular to accelerate motions of which notice had been given. It was inconvenient for this reason, that having been fixed for one particular day, if brought on before that day arrived, many members who had heard the notice might be taken by surprise.

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motion which he expected would have been brought forward by his noble friend. That motion was one which met with his entire approbation, and whenever his noble friend chose to bring it forward, he should be ready to give it his support. After, however, what had fallen from his noble friend, he should reserve what he had to say till after the motion for adjournment.

**MOTION OF ADJOURNMENT TILL FEBRUARY.]** The Earl of *Liverpool* then moved, that the House do adjourn till Thursday the 9th of February next.

Lord *Grenville* said, that to that motion he must decidedly object. When the noble earl made such a motion, a motion to adjourn for a period of from two to three months, it would have been but becoming to have stated some grounds for so extraordinary a proceeding; but the noble earl had barely put the question of adjournment, without assigning a single reason to induce their lordships to adopt a course so unusual, and had therefore yielded it to him to state the grounds upon which he thought such a course, at this moment, highly improper. Their lordships had been called together at a time when legislative deliberation was more than usually necessary. Though the grand difficulties under which this country had struggled so long had now been removed, yet it might be justly said, that this was a session of more urgent business than any session that the oldest among their lordships could possibly remember. He had on a former occasion expressed his regret, that it had not been thought proper to call their attention, in the old constitutional manner, to the circumstances of Europe, and the result which was likely to follow from the great and almost desperate efforts that had been made by this country. But even if it had been justifiable to throw a veil over the transactions which were now going on abroad—transactions, he grieved to say, which did not appear to bode well for the future peace of Europe,—still a veil ought not to be thrown over the internal situation of the country. They were now called upon to review the state of the country after a series of tremendous efforts, such as had never before been made by any nation, which had closed the struggle without the loss of its political existence. They were called upon to consider how they could best repair the

damage that had been done, how they could best apply a remedy to the evils which the magnitude of our efforts had necessarily produced. In the present situation of the country, the duties of parliament were numerous, weighty, and pressing. There was hardly a branch of the public administration that did not require the maturest deliberation on the part of the legislature; and yet, under these circumstances, an adjournment for two, or from two to three months, was proposed, without a single reason assigned for that extraordinary proposition.

At an early period of the session he had mentioned one great subject, which ought to have received from parliament not only mature, but unremitting deliberation; a matter, of all others, of the highest importance; a subject immediately connected with the food of the people. He had then adverted to the dangerous and impolitic course, as he conceived it to be, which had been adopted with respect to that object of primary importance: he regretted that he differed upon that question with many for whose opinions in general he had the highest possible respect; but he came there to state his own opinions with freedom. Their lordships would do well to consider, whether, with the impression which the agitation of such a question in parliament, which the interposition of the legislature on such a subject was likely to create, it was fitting that parliament should turn their backs on that subject, and suspend the investigation for two or three months. If the agricultural interest was hard pressed, and who could deny that it was so; if the manufacturing interest was also pressed; if a measure was under consideration which immediately concerned the food of the people; if there was danger in adopting any course that should have a tendency to make that food dearer; and if it was of the highest importance to consider well whether it was not wiser to leave that matter to itself without any legislative interposition than to enact new restraints; if it was necessary at any rate that parliament should come to a decision on the subject either one way or the other, why was it now proposed that the House should adjourn for a period of between two and three months? It was of the last consequence to the welfare of the community, that the legislature should at any rate decide whether they were to innovate or to leave matters as they were;

for the state in which those questions were at present allowed to remain was fraught with the evils which belonged to both conditions. Was this a situation in which that subject ought to be left? Was it fitting that parliament should turn its back upon it for such a long period? Was it becoming or decent that parliament should separate without having taken any step in the matter—without having paid it any attention except the single sentence which he had uttered respecting it at the opening of the session? Yet, now the House was called upon to separate, to refuse to give attention to the public business upon which their sovereign had called upon them to deliberate. The House, under the circumstances, was desired to turn its back upon the public business for two, or nearly three months, and that not by the act of the sovereign, who by prerogative might, under ministerial responsibility, have put an end to the session; but by its own act, in opposition to the declared wish of the sovereign, in disobedience to his express commands, and in utter disregard of the duties which they had been called upon to discharge.

There was another subject to which the attention of parliament ought to be called without delay—he meant the state of the circulating medium of the country; a subject which, on some future occasion, must be well considered and fully debated. On former occasions, when it was proposed to bring that question before parliament, it was said that the nation was at war, and that a measure, which in theory no one approved, was necessary for self-defence, and the preservation of the country; he meant that law by which the subject was compelled to accept payments in a depreciated paper currency. If he had been asked, whether this had been necessary for carrying on the war, he should have said—no. It had been contended, that our efforts could not be supported without that measure; but, in his opinion, they were rather cramped than aided by the continuance of that regulation. Be that, however, as it might, these efforts were over; and they had now to consider how they could best put an end to a system which no one was hardy enough to say ought to be continued. That question must be attended to, and speedily, if they meant to give the landlord, to give the manufacturer, to give every one, in short, that security which all ought to have, namely, that they

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should receive in payment that for which they really stipulated by their contracts, and not that which the very existence of the law proved to be not in their eyes of equal value. If they considered what that situation of things must be, in which no one could receive in payment that which he stipulated for by his contract, they must soon attend seriously to the subject, unless they meant to abandon the very name of honesty and justice. Never was there a subject with respect to which they were more called upon to retrace their steps; never did there exist a subject where more mature deliberation, more strict caution were necessary, in deciding upon the steps by which they ought to return to the paths of honesty and justice. Yet, under all these difficulties, under all this real pressure of public business, parliament was called upon to suspend its deliberations, to give up all attention to its public duties, for a period of from two to three months, merely for the personal convenience of some of the servants of the crown.

He next came to the mention of a subject which it was impossible to touch on without shuddering—he meant the state of the finances of the country. He considered that this country had solely been enabled to continue the great exertions which it had so long made by the operations of the sinking fund, established by a provident wisdom. The exertions of the last year had, however, consumed a large portion of that fund; and this would shortly be bereft of any means but increased taxation to supply the profuse expenditure of the country. This consideration could not be separated from the question, how they were to reduce those enormous establishments with which the country was at present burthened. The country now enjoyed the name of peace, and it was warranted in the expectation of deriving some of the benefits of it. There never, he would repeat, was such an example as that exhibited by parliament, given by any body of men anxious to retain the good opinion of their constituents. With no public motives for their conduct, they were about to turn their backs on their country, and to leave it for the next two or three months to shift for itself; to declare that parliament would not even consider what were the remedies which its situation demanded—that they would not even hear them. In mentioning the reduction of the establishments of

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the country, it was impossible not to allude to the 75,000 men which we were bound to keep up on the continent of Europe in a time of peace. He was astonished how such an idea could ever enter the head of any person in this country, as that of soliciting the princes of Europe to receive subsidies for the purpose of aggrandizing and raising up certain powers of Europe to such a magnitude, that no hope would be left for the preservation of any independent state. The object of this expenditure was to destroy every vestige of independent power on the continent. He could never consent to the wringing from the pockets of the peasantry of this country, sums to be thus expended in the accomplishment of objects of a nature not less detestable than that for which the tyrant under which Europe had so long suffered, was at length driven from his throne. It was impossible to consider this keeping up of 75,000 men on the continent in any other light than a subsidizing of a few of the powers of Europe, to destroy every vestige of freedom there.

The country was now also carrying on a war of conquest at half the distance of the globe from us. When America had not half its present population, its subjugation was found to be an effort beyond the power of this country to effect. Yet with all our past experience, this, it appeared, was an effort which we were at present seeking. The war was now no longer carried on for those objects which had been stated to parliament, but for purposes which it was the absolute duty of parliament, before they gave them their support, to sift to the bottom. He had stated to their lordships his opinion, that from the moment the American government were apprized of the repeal of the orders in council, the war was just on the part of this country, and he had always therefore continued to give it his feeble support. He had done so because he considered, on the faith of the declaration from the throne, that we were at war for the maintenance of our maritime rights—an object for which he would shed the last drop of his blood. But they now found that when ministers were declaiming against aggrandizement, and when there was but one general voice of approbation in parliament in consequence of such disclaimer of conquest or aggrandizement, and of the moderate and pacific councils which were entertained by the govern-

ment of this country—that at that very moment they were making on America such demands as could have no other effect but to unite against them the voice of every individual in that country, and of every independent man in every independent country in the world; demands which were not justified by any conquests, of cessions of territory, and the effect of which could only be to retard the peace, and to unite that country against us, on whose disunion rested our best hopes of continuing the war with success. We had so unhappily chosen the subjects of these demands; as, in the first place, to irritate the feelings of every individual throughout the country; and, in the second place, to inflict a punishment, not on those who gave us cause of complaint, but those who had shewn some disposition of amity to this country. We had demanded from them the establishment of a barrier of an independent Indian country between Canada and the United States. Were they studiously to labour to devise a topic calculated to excite universal irritation against us, and to carry terror and alarm home to every cottage of the United States, they could have hit on nothing more successful than the establishment of an independent Indian territory; and that neither the United States nor Great Britain should have power to purchase, but that any other state might. Was it meant by this that France should have a power to make purchase there? Or was it meant to place Spain in that situation? That independent country, as it was called, would be a mere refuge for outlaws and robbers, and would be productive of as much inconvenience to Canada as to the United States. The next demand was to give us a complete command of the waters. There was also a water barrier between us and France; and how would it be received if the command of this water barrier were asked to be given to this country? This power was neither more nor less than the power of making an irruption into other countries at pleasure. But all this was not enough, unless we sought also out the state most friendly to us, and required from them, as the reward of their friendly dispositions, the cession of part of their territories. Could there be found a man out of the circle of those who made these propositions, who for a moment would doubt as to the effect which they must necessarily have produced? But all this was not

sufficient, unless we also touched on the string of the fisheries, a subject in which the interests of this country were not concerned, and the stating of which could only have the effect of uniting against us every remnant of the American population. Such were the propositions which had been made on the part of this government, and which had completely changed the nature of the war. He had considered America as the aggressor, at the period when war was declared. But those propositions argued such impolicy, were so inexpedient, and so contrary to every thing like the true interests of Great Britain, that he should consider himself as grossly neglecting his duty if he allowed parliament to adjourn without declaring, that the publication by America of those documents had, in his mind, totally changed the nature of the war; and that until those documents were contradicted, or the grounds taken up by us were abandoned, it was impossible for him any longer to give his support to a war which was not carried on for our maritime rights, but for purposes of conquest and aggrandizement. On all these grounds, he gave his decided opposition to the motion for adjournment.

The Earl of *Liverpool* said, he felt that the speech of the noble lord called for some observation, and he was most anxious to notice the several topics to which the noble lord had alluded; but he felt at the same time, that consistently with his public duty, he could not, upon some of these topics, enter into any detail. As to the adjournment, there was nothing in it unusual, and noble lords must be aware that it had not been the practice to assemble parliament until late in January; so that, in fact, the recess now moved for, went but very little beyond the usual period of the meeting of parliament. As to any motives of personal convenience, he should have been ashamed to have moved an adjournment upon any such ground. The fact was, that it was for general convenience, and for the public advantage, that discussions upon questions of importance should take place at a period when there was the fullest attendance in parliament. There were other reasons, however, at the present moment, which operated to render it useful that such an adjournment should take place, because at the period when parliament again assembled, those questions of importance to which the noble lord had alluded could

be properly discussed, whilst, at the present time, no advantage whatever could arise from debating them. It was undoubtedly true, that upon those questions the opinion of parliament ought at some time to be pronounced; but it was equally true, that the present was not that time. The same reasoning applied to the topics alluded to by the noble baron regarding our internal situation, as that could only be properly regulated when the position of our external relations was distinctly and definitely ascertained. Thus, with regard to the agriculture of the country, he agreed with the noble lord, that a decision ought to be come to one way or the other; but it could not be arrived at without much deliberation, as applying to other considerations that could not now be brought into view. With respect to the currency of the country, he was satisfied, however, on this head, not only that it would be found that the measures relative to this subject had not produced any injurious effect, or any depreciation, as alleged by the noble lord; not only that they had produced no injury to any one, but that they had been the means of bringing us through the great contest with triumphant success, and had worked the salvation of the country. He admitted that a measure of this nature was only one of necessity, and in the first resort to it, it might well appal the minds of men who looked to its consequences; but he contended, that nothing more strongly evinced the firmness and magnanimity of the great statesman who first adopted the restriction upon cash payments at the Bank, than his incurring all the risk, and all the odium attendant upon such a measure, from the conviction in his own breast that it would (as turned out to be the case) powerfully contribute to the salvation of the country. The noble baron, with others, had originally agreed to the adoption of this measure; and he (lord Liverpool) contended, admitting that it was only a measure of necessity, still that a discussion upon the subject could not be opened with any advantage until the external relations of the country were definitively arranged. With regard to the finances of the country, he felt, as it was his peculiar duty to feel, deeply the importance of the subject: he felt also the necessity of economy so far as was consistent with the safety of the country; but it must be obvious that this subject could not, in its different relations, be advantageously discussed at the

present period. As to what the noble baron had said with regard to the force maintained by us upon the continent, he felt a difficulty in replying to it on account of the pending negotiations; but he would repel the charge of that force being employed in aggrandizing some powers and oppressing others; and though he could not enter into any detail upon the subject, he would say, that that force was employed for objects essentially British, for objects that had been considered British by every statesman that had ever looked to them, and for objects that were ultimately connected with the best interests of this country. With regard to the American negotiation he could not answer the noble lord, without going into a detail that would be obviously improper during a pending negotiation. It would be evident, however, that considerations derived from a partial publication of documents during the pendency of a negotiation, could not apply to the scope or details of that negotiation with any accuracy or truth. This, however, he would say, repelling the charge of the noble lord, that the war with America was not carried on for any purposes of conquest or aggrandizement; and he was satisfied, that when the time came, there would be found a complete justification of the conduct of government upon these points.

The Duke of *Sussex* said, he was happy to find by the noble earl's concluding declaration, that there was no idea of aggrandizement mingling with the councils of his Majesty's government: but as that noble lord had refused to give information to the House, it was still their duty to require it, and let their opinions stand on record to the extent of the information which they had. He remembered it to have been said in the Speech from the throne, that particular circumstances had delayed the meeting of the Congress. On looking over the treaties which had already transpired, he had found that, by that of the 30th of May, the settlements on the coast of Africa were to be delivered up within three months, and those to the east of the Cape in six. Those settlements, then, would have been all surrendered before the assembling of Congress. Thus much was at least information which they could obtain for themselves. In going over the different treaties previous to that of Paris, he found that when Guadaloupe was given to Sweden, by the fourth additional article of the Swedish treaty it was stipulated

that the slave trade should not be recommenced in that island, and an observation of the Swedish government made upon it, that there was the less difficulty in complying with that article, as the kingdom was not in the habits of that traffic. But, by the 9th article of the treaty of Paris, he found the island given up, and no stipulation against the trade. Surely this ought to have made the matter of a strict article in the latter case as in the former. He found by the same treaty, Guiana restored to France. Their lordships would remember the treaty of Amiens, and the long discussions which then took place upon the subject. He hoped that the interest which so closely united the court of Brazil to this country would suffer no injury, and that the stipulations of the treaty of Utrecht on that point would be kept in mind. With respect to Naples, he hoped we should not forget an old ally, nor suffer the same excuse of prior arrangements, as in the case of Norway, to make us coincide in, and sanction the seizure of the richest jewel of the crown of an ally. Next, as to Poland and Saxony. Poland was always dear to his recollections; he was anxious for her restoration to her rank among nations. We had at least one claim to merit and influence on this occasion; we had never, openly at least, sanctioned her partition. This had been allowed by even our enemies. When that man who was now removed for the peace of the world, had gone into Poland, boasting that France had never given her sanction to that iniquitous act, he admitted that England too had been, of all the other nations, the freest from that imputation. He wished it were possible to recall amongst the sovereigns now assembled at Vienna, the immortal Sobieski, to remind them of the services he once rendered at the head of a Polish army in relieving that capital, and driving from the Austrian territories a Turkish invading force; for surely such a recollection would decide the question, and Poland would be rendered free and independent. As to Saxony, he hoped that no usurpation would take place there, and that the people would not be turned over to a stranger without their own consent. On these points he would not trouble the House farther. The noble earl had promised to throw additional knowledge on their discussion when they met again: but unless that noble lord's health was better than his own, he might not be enabled to meet their lord-

ships, and he was anxious to give his sentiments even briefly as he did now, as he might not be enabled to offer them at any future time.

The Earl of *Donoughmore* begged leave to recall the attention of their lordships to the arguments of his noble friend (lord Grenville). After a sitting of about three weeks, an adjournment for upwards of two months was moved by the first minister. His noble friend had stated strong reasons, and three among the four were really of such a nature that he wondered how any objection could be made to them in that House. The expedient of the minister was ingenious. When supplies were to be voted, parliament could not attend to those important subjects; and when the supplies were voted, parliament could not be detained; so that in either case three great objects must be postponed, and in no case was there any hope that they would be brought to issue. His noble friend had alluded to the agriculture of the country; but the minister could mind nothing but taxation. He would not even give the people the satisfaction of putting them in a condition in which they might be taxed with advantage; and though his great object was to draw upon them, he overlooked the protection of those sources from which alone his demands could be supplied. As to America, he deferred that question until the Congress of Vienna had done deliberating. Every other topic was disposed of in the same way. The minister said, wait for the Congress of Vienna; we must not divulge, we must not let the cat out of the bag, and therefore you must wait. He never knew till this night that such an argument would serve for a general answer to every inquiry that could be made, and every subject that could be mentioned. His noble friend had said, that the present was a good time to consider the state of our agriculture. The noble lord replied, wait for the deliberations of the Congress. His noble friend required that they should examine into the finance, and again exclaimed the noble earl, "O! wait for the Congress—let us see what will be done there, before we can know what we ought to do." But perhaps the answer meant more than it might seem to convey: perhaps it implied a doubt, whether the Congress would finish its labours by peace or by war; for how could its deliberations by possibility apply to those purely domestic arrangements, except by the in-

fluence of hostile or pacific relations? The answer was so preposterous, that he wondered how the noble earl could have ventured it, unless, taking his example from another place, he wished to imitate those who were puzzled, not by answering the questions put by others, but those which were put by themselves. The noble earl's reply might have referred to something passing in his own mind, but it had no reference whatever to what fell from his noble friend. As he had already stated, the noble earl thought no business worth his attention but taxation. The moment the supplies were passed, the candles were put out, the House was abandoned to darkness, and looked more like an Inquisition than a House of Parliament. All other Bills passed *sub silentio*, and the day in which no money was voted, no business was understood to be done. The noble earl had said, that the present adjournment exceeded but by a little the usual adjournment at this period of the year. But, could the noble earl state any period in which there were the same reasons against adjourning? Had he, either in his reading or in his experience, ever marked that time when the conjuncture was so pressing as at the present moment? Perhaps it was not to be regarded extraordinary, that those who were legislating for the whole world, should find it inconvenient to descend to humbler topics. However, as their concerns were so weighty, it appeared to him to furnish an additional argument why parliament should be kept near at hand, that they might have frequent opportunities of listening to the admonitions of his noble friend, that great and experienced member of parliament and diplomatic man. For every reason he should oppose the adjournment. When he heard of the projected dismemberment of Saxony, and the transfer of allegiance from one government to another, he could not but wish for the wholesome interposition of parliament. When he heard that the king of Saxony was to be dethroned, deprived of his territory and erased from the calendar, he could not but wish that parliament might be near, to check the proceedings of ministers, while they were yet unaccomplished. They knew enough of the negotiations to think that, if government acted with prudence and integrity, and avoided the contagion of intoxicating projects of aggrandizement, much might yet be done; but if, instead of settling the



peace of Europe on permanent foundations, they proceeded to remove the land-marks by which states were separated and distinguished and the balance of power preserved, our great military establishments would go on increasing, our expenses would continue to accumulate, and the overburthened shoulders of the ministers would collect additional pressure and additional responsibility at every step of their progress. How it might be under other circumstances he could not say; but, in the present instance, the adjournment was too long to be defended by such arguments as the noble earl had adduced in its support.

The question was then put, and carried; and the House adjourned to the 9th of February.

## HOUSE OF COMMONS.

*Thursday, December 1.*

**INSOLVENT DEBTORS ACT.]** Mr. Serjeant *Best*, in moving for sundry papers and returns to shew the effect and tendency of the Insolvent Debtors Act, said he could not but observe, that his opinion still was most unfavourable to the principle of the Act. Nothing that he had seen, nothing that he had heard, had altered his sentiments on the subject; but certainly in any thing that he might think it right hereafter to propose, his first and general object would be to relieve and alleviate the distresses of the unfortunate. He then moved, "That there be laid before the House, 1. An account of the number of prisoners for debt in the King's-bench and Fleet prisons, on the 10th of July 1812. 2. An account of the number of prisoners for debt in the King's-bench and Fleet prisons, on the 10th of July 1813. 3. A monthly account of the number of prisoners committed to the same prisons every month, from the 1st of January 1813, to the 1st of December 1814. 4. An account of the number of prisoners discharged from the said prisons under the Act of 53 Geo. 3, c. 102. 5. An account of the number of prisoners for debt in the same prisons on the 1st of December 1814. 6. An account of the names, trades, and descriptions, of the several persons who have applied to be discharged, under the acts of parliament of the 53d and 54th years of his present Majesty's reign, for the Relief of Insolvent Debtors in England, with the amount of the debts for which they were arrested, and also the whole

sums due and owing by them respectively; distinguishing such of the said debtors as have been remanded and afterwards discharged, and those who have been finally remanded."

Mr. Alderman *Atkins* said, that without questioning the policy of the Bill, he thought it required much amendment; for he had heard of instances, where a man who owed thousands contrived to get arrested for 100*l.*, and then, by a three months imprisonment, of course succeeded in getting rid of the whole. The injustice of a law which so operated, he thought must be obvious.

Mr. *Lockhart* felt, that the Act was as yet extremely defective, and he therefore now gave notice, that soon after the recess he should move for leave to bring in a Bill to amend that Act.

Mr. *Horner* expressed how much he regretted to learn that the hon. and learned Serjeant still remained of his original opinion, that the Act was contrary to sound policy; for he (Mr. Horner) felt assured, that the wisdom of the Act was every day becoming more and more prominent. The objection which had been made, and was making to that measure, was perfectly natural, and what every one must have expected, when it was remembered on what loose principles persons in this country, especially about the metropolis, gave credit to those who chose to become purchasers. Unless that indiscreet mode of giving credit should be altered, the Act might work individual mischief and disappointment; but as the mode of giving credit on such a principle was avowedly condemned, surely that legislative proceeding which would effect a reform in the mode of managing credit, would be a great national advantage. The very dissatisfaction which had been expressed by a numerous body of tradesmen, was a proof of the efficacy of the measure; for one of its objects had been to destroy that indiscreet credit which tradesmen were too much accustomed to give: those creditors now suffered the consequences of their own indiscretion, and imputed to the Act what was the effect of their own folly. He was convinced of the great benefits that would result from the Bill, if its leading principle should be boldly supported in that House.

Mr. Serjeant *Best* allowed, that it might be just to punish the careless creditor; but it would be also right to protect those tradesmen who must either trust or lose their business.—The papers were ordered.

ASSIZE OF BREAD.] Mr. Alderman Smith moved, that the Bill for repealing the sundry Acts imposing regulations to fix the price of bread by assize, be read a second time, again intimating that, after the recess, he should move for a committee of inquiry on the subject of those Acts, previously to moving the ulterior stages of the Bill.

Mr. Frankland Lewis hoped, on a subject of so much importance, and where the people had been accustomed now for about 600 years to the regulations established by king John, that the House would proceed with the greatest caution; for to interfere with the price of provisions was the most feverish of all subjects to which the legislature could turn its attention, and one respecting which the minds of the people were most alive. But he could not see the necessity or policy of this Bill, which went to sweep away all existing regulations. As it was not imperative on the first magistrate of the city of London to settle the assize of bread, from an examination of the prices of corn and flour, would it not be much better to try the experiment of suffering the price of bread to find its own level without fixing any assize, instead of trying it, so far as to abolish in toto those regulations which had existed for so many hundred years? The law not compelling the first magistrate to fix an assize, there was no necessity for abolishing that law to gain the advantage of trying the experiment. It being admitted on all hands how very careful the legislative power ought to be in its interference with the price of provision, as there was nothing so calculated to influence the public mind, he was sure that the House would pause before it acquiesced in the proposition to abolish a regulation, which, in time of scarcity, he believed, had often preserved internal tranquillity.

The Speaker here observed, that the motion could not be put that day; for although the Bill was a measure of great magnitude, it was still a private Bill, being of local operation; and, like all other private bills, a notice must be given before it could be moved any stage, which had not been in the present instance.

The motion was of course postponed.

MILITIA.] Mr. Ponsonby wished to know whether it was the intention of ministers to disembody the militia previous to the next meeting of parliament?

The Chancellor of the Exchequer replied, that he could give no other answer than that they would be disembodyed as soon as possible, but when that would be he could not tell.

Mr. Ponsonby rejoined, that if it did not take place before the next meeting of parliament, a motion from his side of the House would be made on the subject.

SPAIN.] Mr. Baring inquired the reason, why certain papers relative to Spain, which were called for, had not yet been laid on the table? He would take that opportunity of asking, whether any, and what sums, had been advanced by way of loan to the court of Spain, since the restoration of Ferdinand?

The Chancellor of the Exchequer replied, that the order for the production of those papers had been regularly transmitted; but their speedy delivery was prevented by the necessity of referring to a vast number of documents in the Audit Office. They would, however, he hoped, be ready before the next meeting of parliament. With respect to the last question of the hon. gentleman, he had to reply, that no advances whatever, by way of loan, had been made to the court of Spain.

Mr. Whitbread asked, whether an offer of an advance of money had not been made, either in writing or verbally, by this court to the court of Madrid, since the period of the treaty of amity and alliance?

The Chancellor of the Exchequer said, that it would be impossible to answer this question without making disclosures inconvenient to the public service.

Mr. Whitbread next asked, whether the government had any knowledge of a paper delivered by the duke of Wellington to the minister of Ferdinand, after his arrival at Madrid?

No answer was at first given; but the question being repeated, the Chancellor of the Exchequer said, that he could give none that would be consistent with public policy.

PRINCESS CHARLOTTE OF WALES.] Mr. H. Martin inquired, whether the sum allowed for the establishment of the Princess Charlotte of Wales, which had been fixed when her Royal Highness was only ten years of age, had been augmented since that period?

The Chancellor of the Exchequer replied, that the establishment of her Royal High-

ness had been formed in the year 1806, but that it had not been continued since the Princess Charlotte had been taken into the family of her royal father.

Mr. *Brand* wished to know whether he understood the right hon. gentleman distinctly, that on the entrance of the Princess Charlotte into the family of the Regent, the income allowed for her establishment had been merged in that of her father? He observed, that in the public accounts 7,000*l.* was charged upon the consolidated fund, and he wished to be informed in what way it was applied?

The *Chancellor of the Exchequer* said, that he had not been comprehended, if it were understood that he stated, that the income of the Princess Charlotte was merged in the general account of the civil list. What he had observed was, that the expenses of the Princess now formed a part of those of the Prince Regent. The sum continued to be issued for her Royal Highness.

Mr. *Brand* wished the right hon. gentleman to explain, whether the sum of 7,000*l.* a year was paid as applicable to and necessary for the purposes of her Royal Highness. By whom was the discharge given?

The *Chancellor of the Exchequer* said, that the money was issued to the treasurer of her Royal Highness.

SALE OF FRIGATES.] Mr. *Whitbread* asked the hon. secretary for the Admiralty, whether it was true that two frigates, lately sent out in frames to America, namely, the *Prompte* and the *Psyche*, had been sold; and would there be any objection to the production of any correspondence which the Admiralty may have had on this subject?

Mr. *Croker* replied, that there was no foundation whatever for such a rumour; there did not exist the slightest colour for the notion which the hon. gentleman seemed to entertain; of course, the Admiralty had no correspondence relative to a point which never had existence. One of the two frigates sent out in frames had been sent up to the lakes, he did not know which of them, for the commander there was authorized to affix to either the names alluded to.

Mr. *Whitbread* wished to know whether there would be any objection to the production of any documents upon this point, if the Admiralty were in possession of them?

Mr. *Croker* said, certainly not; if the hon. gentleman preferred his information to mine, it was fit he should persevere in his purpose.

Mr. *Whitbread* did not mean to disparage the hon. secretary's information; but he would prefer official documents to any assertions, however respectable.

SIR JAMES DUFF.] Mr. *Whitbread* was anxious to know whether ministers had instituted any inquiry into the conduct of sir James Duff, at Cadiz?

The *Chancellor of the Exchequer* answered, that such inquiries had been instituted by the proper department.

CONDUCT OF THE WAR IN AMERICA.] In pursuance of the notice he had given,

Mr. *Horner* rose, for the purpose of bringing forward his motion relative to the conduct of the naval war against the United States. It was not his intention, he said, to enter into any discussion of the propriety of commencing hostilities, nor of the justice of our demands, since it was generally admitted, that upon the question of the maritime rights of Great Britain, the Americans were the aggressors. Neither did he propose to revert to the recent publication of the documents relative to the negotiations at Ghent, since a day would arrive when a most important decision would be taken of the whole subject. The object of his motion lay clear of both these considerations, since whatever differences might exist as to the declaration of war, or as to the mode of bringing it to a close, there could be no doubt that the conduct of government in their mode of prosecuting it was a question of the deepest interest. There were two points in which it was to be viewed, military and naval; and the latter, to which his motion more particularly referred, again divided itself into two heads: 1. what related to the conduct of the war on the high sea, the maritime war, properly so called: 2. what referred to the conduct of the war on the fresh-water lakes. Subordinate to these was a third consideration of the degree of protection that had been afforded to the trade of the country.

With regard to the maritime war, it had long been, and was still a matter of surprise to the whole nation, that, with the immense naval strength and high naval character we possessed, there yet seemed to be a balance of power between the shipping of Great Britain and America:

few would deny that the astonishment was at first well founded, when government had, long before the declaration, received intelligence of the different nature of the American navy, and of the change of system that was required on our part to meet it. Supposing, however, that ministers had obtained no intelligence upon the subject, time enough had surely since elapsed to enable them to complete and bring into service the necessary improvements. It had been in some degree explained why we, in the commencement, sustained so many defeats; but the complaint of the country was, first, that those defeats ought to have been foreseen and provided against; and next, that having been sustained, no effectual means had been taken to retrieve the tarnished lustre of our character. It was a common remark, that all our defeats had been occasioned nearly by the same circumstances; however great the valour and hardihood of our men, the rigging was cut, the masts were carried away, and the vessel being disabled, was compelled to yield. Whether this unaccountable backwardness to remedy the evil arose from the reluctance of our establishments to travel out of the beaten track in which they had plodded, whether with them it had become a matter of faith to make no alteration in their ancient system, would remain for gentlemen opposite to explain. The fact was not to be denied. It had been said, and would doubtless be repeated, that steps had been taken to make such changes as were required in our ships, by cutting down seventy-fours, and by building others more suited to the peculiar nature of the warfare; but parliament ought to have some distinct information upon the subject; and for this purpose, he had framed a motion to bring the necessary intelligence before the House, in which he should be glad of any alterations that gentlemen might deem expedient, for the sake of not making unnecessary disclosures to the enemy. It ought to be proved, that the activity long since promised had been evinced; but he feared that the great error of this government had been to under-value and under-calculate the force of the Americans, which had been the origin of the procrastination and carelessness evinced in the various departments connected with the war.

The next subject, though of minor importance, was the protection which had or had not been afforded to the trade of

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this country. He was ready to allow, that all the complaints heard upon this subject were not well-founded; but he was perfectly assured that so uniform, and so long-continued a complaint, could not be without some solid foundation. They ought not to be permitted to pass unnoticed by the House, if unremedied by the government; and another motion which he should offer, would be to bring forward a statement of the representations made from all parts of the country, to ministers, and even to the Prince Regent himself; for of such magnitude was the subject, and so urgent were the demands, that they were even carried to the foot of the throne.

He now came to the most important part of this question, on which the heaviest charges against ministers appeared to be grounded, namely, the want of sufficient preparations to carry on the war on the lakes. In noticing this branch of the subject, he wished it to be understood, that he should not enter into any discussion that could affect the character of any of the officers employed, in their professional capacities. Such conduct would be cruel and unjustifiable, until the cases were decided by the proper tribunal—such attacks could not be otherwise than disgraceful to any party, whether the partizans of government or of their opponents. Nor was it his intention to anticipate what share of disapprobation ought to be given to particular departments of administration; how much blame rested with the colonial department, or how much with the Admiralty; he should direct his remarks against government in the aggregate, endeavouring to satisfy parliament that appearances were strong against them; and that they had been guilty of a complete neglect of all the means that common prudence would suggest for the defence of our Canadian frontier, and for carrying on the war on the lakes. All persons must be aware that our success in this war must depend upon maintaining a superiority of naval force upon all the lakes, but more especially upon Lake Ontario. A part of our frontier was protected by a military force, upon whose conduct future inquiries would unquestionably be instituted; we had there lost thousands of brave and valuable lives and the military renown of the country, without gaining any possession that could give additional security to Canada. Lake Ontario was the situation where it was of the

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greatest consequence to maintain our superiority for the defence of Canada, independently of any attack upon the United States: whether the value of the trade, the amount of the property of the inhabitants, or, above all, the loyalty of the people, so well evinced during the last campaign, were considered, it was a colony well worth our greatest exertions. What, then, were the measures of government to secure our superiority on Lake Ontario—an easy achievement, had ministers performed the little that was necessary? When war commenced in June 1812, we had the greater number of vessels upon that lake; and all that was required was, that we should send out a sufficient number of seamen to man them: besides this advantage, we possessed the northern shore, where all the best timber was grown, and where the water was of sufficient depth for the launching of vessels. Before hostilities broke out, these preparations ought to have been made to meet them: the war had long been in contemplation, and the issue had only been rendered dubious by the improvidence of ministers, who did not take advantage of the backwardness of the United States to enter into the war. If the evil was not prevented, it would surely be expected that it should, as speedily as possible, be remedied, and that instant measures would be adopted on the receipt of the declaration; instead of which, from the 30th of July, the day when it arrived in England; to the end of the year, not a single step had been taken by the government of this country, either by giving orders to those abroad, or by sending out such supplies of seamen as were required to man the shipping we already possessed.

The government of this country had been warned, that if merely a sloop of war had been sent to Quebec, the men of which might have been sent to Kingston to man the vessels on the lake, Ontario would have been secure. No ship was sent. Were more vessels built in the summer and the winter on Lake Ontario? Not a single stick was laid. And although at Quebec there were ship-carpenters, who offered to build ships at Kingston, and were ready to set out immediately for that place to begin operations, their offers were refused; and, in one case, the bargain was broken off, on a difference of only 1,000*l.* on a 36 gun ship. Not one ship was built; and the winter was thus lost to us: but not so to the Ameri-

cans. At the beginning of the war, the Americans were without a fleet—without a naval depot. In the course of that winter they created their depot at Sackett's Harbour, and built such vessels as gave them a superiority on that lake. He should be happy that it could be shewn that he was wrong in this statement. He had said, that the summer and winter of 1812 were lost to us, but he was not certain whether that was the case; clear it was, that they were lost on the lakes, and on the St. Lawrence; but whether the ships in frames to be built in the Medway were begun in that year, in the ignorance of dates, he could not say. As to the ships so built, he could not help remarking, that the building of ships in the manner which had been stated, was one of the most extraordinary measures that had ever been adopted by persons having the direction of our naval affairs. He could venture to assert, that the expense of one of these vessels, built, and so conveyed to Ontario, was tenfold that which it would have cost to have built them on the spot. The timber must have been brought from Canada; and after having been shaped here, was sent to Canada again, to be put together at the place whence it had been brought. From Montreal to Kingston the expense of conveyance was immense, probably equal to the whole expense of building such vessels; the inland navigation by which they were to have been conveyed, was 700 or 800 miles. The contempt and derision which such a measure must have excited in Canada, would have been unbounded, if it had not been that the safety of their property, that the very existence of the colony, was hazarded by such conduct. Whether the blame of this delay was to be referred to the Admiralty or the colonial department, was to the House immaterial. It was for them to see what had been the consequence on the several lakes, Ontario, Erie, and Champlain. On Lake Ontario the Americans had obtained the superiority; and, in a successful expedition across that lake, they invaded our possessions, and burnt the capital of Upper Canada; and the richest part of that colony, from York to the south and south-west, was left open to their devastations. He hoped, indeed, that now we should on that lake regain the ascendancy—a great ship had been launched—a ship of prodigious force, as an addition to sir James Yeo's squadron. He should leave it to professional men to

judge as to the expediency of building such a vessel. From what he had heard, he was inclined to believe that the same force distributed among smaller vessels, would have been more effectual; while, at the same time, the safety of our squadron on that lake would be less liable to be hazarded by a single accident.—He hoped, however, that the ascendancy there was restored to us, and that the next news we should receive would be, that of a victory on the part of sir James Yeo over commodore Chauncey. But were we reduced to this, that after two years and a half of war, we had nothing to boast of but the expectation of a victory by sir James Yeo? Neither did he know on what grounds was rested this hope, but in the confidence which was always placed in the valour and enterprize of British seamen—a confidence which had been entertained with respect to captain Barclay on Lake Erie, and captain Downie on Lake Champlain, to whom it would be no disgrace to sir James Yeo to be compared. On Lake Champlain the melancholy event was well known; but, from the want of details, he should not then enter into it. On Lake Erie, captain Barclay, who was sent to relieve general Proctor at Detroit, and in that service being obliged to attack the American fleet, after an action in which all his officers were wounded, his flotilla was under the necessity of surrendering to the enemy. On captain Barclay a court-martial had sat, which was one of the papers which he should move for; not that he questioned the valour of captain Barclay, not that he questioned the sentence of the court-martial, but that, by the judicial evidence on that occasion, he might shew what had been the neglect of the government, and the loss of valuable lives which had in consequence been sacrificed. The minutes of that court-martial would show, that to deficient means in the armament and equipment of it, the failure was owing; that the ships were deficient in men and weight of metal, particularly in long guns; and the guns which captain Barclay had were of eight different calibres, so that he was obliged to have eight different magazines to fight the guns [hear, hear!], which were without locks, and were fired off by pistols. [Hear!] These deficiencies were not owing to captain Barclay or sir James Yeo, but to the government here, or to the government of the colony abroad. As to the want of men

in particular, it seemed to have been a deficiency which pervaded the whole conduct of the war, as well on the ocean as on the lakes. The American ships of war on the sea were full of choice seamen, while our vessels which were sent to oppose them, were manned in a manner very proper in the case of the ordinary wars with the fleets of Europe, but most unfit to meet the American navy. This neglect to supply a sufficient number of men had been manifested in the refusal which he had mentioned to send to Quebec a sloop of war, the crew of which might have been dispatched to the lakes. It was sufficiently obvious, even to men who were not professional, that to have sent the entire crew of some vessel or vessels would have been the proper course to have pursued, and not to have taken a man from one quarter of the world, and another man from another quarter, who were without knowledge of, or confidence in one another. The House would see that the same deficiencies which were complained of by captain Barclay were lamented by captain Pring, who gave the account of the failure of captain Downie on Lake Champlain. It did not come into question whether general Prevost was justified in his opinion that the co-operation of a naval force was necessary; it was enough, that when naval co-operation was thought necessary, the attempt to afford it was fatal. Captain Downie's squadron and life were sacrificed, and the objects of the war deserted, because the armaments on the lakes were left in the same desolate state in 1814 as in 1813. How did the officer (captain Pring) who wrote the last dispatches, express himself? He said, "When it is taken into consideration that the Confidence was fifteen days before on the stocks, with an unorganised crew composed of several drafts of men, who had recently arrived from the different ships at Quebec, many of whom only joined the day before, and were totally unknown either to the officers, or one another, with the want of gun-locks, and the other necessary appointments which could not be provided in this country (hear!), &c. There was not a word in this sentence which was not pregnant with a charge against the administration. It was true, that the necessary appointments were not to be found in that country. Where, then, should they have been provided but from the mother country, by the direction of the mother govern-

ment? Instead of being supplied by the government, both commanders had been left quite destitute to struggle against the enemy with what force they could get together. The charge of neglect it would be impossible to answer. If supply had not been sent before the first disaster, why had it not subsequently been sent, when it was known to what deficiencies the first failure was attributable? It would be said, he did not doubt, that supplies had been sent; but when the accounts were given of the supplies which had been sent, he hoped the dates would also be given. But if the government were successful in shifting the blame from their own shoulders, it would not be the less evident that there was blame in some quarter; and he hoped the House would not desist from inquiry until it had succeeded in fixing the blame on the right shoulders; and, he would add, in fixing the punishment also. All the motions which he should make at present would be preliminary. He should first move, "That there be laid before this House, an account of the numbers of ships or vessels, of any description, that were upon the lakes of Canada and upon Lake Champlain, and fit for service, on the 18th of June 1812, and the 15th of May and 1st of November 1813; with the force of each vessel in guns, men, and boys."

The *Chancellor of the Exchequer*, after expressing a wish that gentlemen would not prejudge his Majesty's ministers on a question of such importance, said, that he perfectly agreed in the propriety of affording information, and fully concurred in all the motions which it was the intention of the hon. and learned gentleman to make, with one exemption. As to the production of the minutes of captain Barclay's court-martial, such a measure would not, for the present, be advisable, since another gallant officer, general Proctor, was on his trial for his conduct in the command of the land forces at Detroit; he should therefore assent to the motion for the production of the minutes of the court-martial on captain Barclay, but with the understanding that they should not be produced until the trial of general Proctor should have terminated, when the minutes of both proceedings might be laid together before the House. There was only one of the motions which had been mentioned to which he saw an objection—it was that which called for minute information as to the equipment of the king's

ships, which, as the hon. and learned gentleman would see, would, if laid before the House in an intelligible form, be highly improper. If the hon. and learned gentleman could so construct a motion for the purpose that it might not be seriously objectionable, he had no wish to throw any obstacles in the way of his obtaining the information he desired. As he had no objection to the production of the papers, it would not be becoming in him to enter into the different subjects of the speech they had heard, as it would be best answered by affording information. There were many points on which he could have set the hon. and learned gentleman right, but he thought it would be better to do so by authentic information than by his own assertion.

Mr. *Protheroe*, the member for Bristol, said, that he was not at all disposed to make any general remarks on the subject before the House, after the speech they had heard. He was surprised that the hon. secretary of the Admiralty had not taken some notice of the subject which had come before the House. Mr. P. said, that his constituents were not well satisfied with the laconic answer which had been given by the secretary to the Admiralty to their representation of the want of adequate protection for their trade, that sufficient force had been provided. The hon. secretary had boldly appealed to the day of trial, and he hoped that then he would prove that he had not been to blame.

Mr. *Croker* wished to say one word as to a mistake of the hon. gentleman who had preceded him. The answer which had been complained of as laconic, had not been given to that hon. gentleman's constituents. No such thing. It was the answer to the Royal Exchange Assurance Company of London, who he did not believe were the constituents of the hon. gentleman; and if it was compared with the letter to which it was an answer, it would be found that it was not at all improperly laconic, but as long, and more explanatory than the letter. The answer to Bristol was full, and afforded as much information as the Admiralty, consistently with their duty, could give. It would be seen, when all the papers were on the table, whether the Admiralty had treated the subject with any improper levity. As all the documents would be laid before the House, he should waste their time and do injustice to himself to enter into his

defence without them; but he should repeat, that when the trial came, he had no doubt of affording full and satisfactory information.

Mr. *Marryatt* said, that on one branch of the subject of the war with America, the protection of our trade, as an underwriter and chairman of the committee at Lloyd's, he could afford more information than any of the papers which were moved for, or which it was in the power of the government to produce could give. At Lloyd's, it was well known, there was a regular list of captures kept, and since the beginning of the war with America, a separate account had been kept of such of our merchant vessels as had been captured by American cruizers. The number of the vessels taken from the beginning of this war to the 1st of the present month was 1175, of which 373 had been recaptured or given up; so that the number taken into port, or destroyed by the enemy, had been 802. This list was subdivided in the following manner:—The first capture in the list was in the end of August, 1812; from that month to the end of October the captures were on the average 100 per month; from the last period to the end of April, 1814, they were 20 per month; from the end of April to the end of October last, they had been 50 per month. The variation in the numbers taken per month was thus explained: at the breaking out of the American war, from the insignificance of the naval force of France, the number of vessels sailing with licences and without convoy was very considerable. The number which fell into the hands of the American privateers was proportionably great. After the two first months, this frequency of capture ceased. The Admiralty refused to grant licences, the practice of sailing without convoy became less general, and the captures were reduced to 20 per month. In April last the war with all the powers of Europe having terminated, our trade was thrown into an entirely new channel. They sailed to ports where we had no naval force, and where convoy could not be afforded them; many vessels were consequently set afloat without protection, and the application for licences to the government became more frequent, and more difficult to get rid of. This had been the cause of the increase of our losses in the last six months; and it could not be diminished until measures had been taken to establish convoys, and until power

was given to our consuls at ports where we had no naval officer, to oblige ships to wait for convoy. The causes of the increase of captures it had not been within the power of the Admiralty to prevent, since the captains preferred to sail without convoys, where previous measures had not been taken to oblige them to wait for it. The Americans, too, had, since the conclusion of peace in Europe, adopted a new, and he was sorry to add, a successful mode of annoying our trade. The owners of American privateers, with great judgment sent their ships close to our coast, to what were called the chops of the Channel, and had there committed their depredations with great success. The American vessels employed for this purpose being light-built and fast-sailing schooners, in summer weather and light breezes eluded all attempts of the king's ships to catch them. But when the equinoctial gales came on, they did not attempt to continue at sea, since they would have been captured, or perhaps have been unable to stand the weather; they had all consequently been swept away, and we had not heard for six weeks of any American privateers, except within the last few days, when one had been seen off the Scilly Isles. He had stated these facts, that the Admiralty might not be stigmatized for occurrences which they could not have prevented. True it was, that if in the next year the same number of ships were taken, the Admiralty would be deserving of all the reproach which had been cast upon them. In this he was not actuated by motives in favour of the Admiralty, because there was no individual in the country who would suffer more by the losses of our merchants than himself, nor any one who, if there had appeared to him to have been neglect, would have been more indignant at it. The rate of insurance, he thought, warranted no such gloomy inference as had been drawn from it. It had been stated by an hon. member, as a specimen of the rate of insurance, that the premium paid on a British ship from the Brazils was 24 per cent, whilst that of a Portuguese was 5 or 6. The price of a running ship could not be taken as a fair specimen of the rate of insurance, since, in cases where our ships sailed with convoy, the rate was rather lower than on neutral ships. Neutral ships sailing from Oldenburgh or Bremen to South America, paid 12 or 15 guineas per cent, and British ships to the same quarter 10 per



cent, 5 to be returned on safe arrival. French vessels, from France to Martinique, paid in France 3 per cent. In London British vessels paid  $2\frac{1}{2}$  per cent, and 2 per cent. at the out-ports. Neutral East Indiamen paid from 7 to 10 guineas per cent, our East Indiamen 5 or 6. Such was the reliance on the protection of our convoys, that the danger of capture was esteemed nothing. He had felt it his duty to state this much on a subject on which great misrepresentation had gone abroad.

Mr. *Baring* said, that with the exception of the bold assertion that the Admiralty had not been to blame, the ministers had not been much indebted to the hon. gentleman who had just advocated their cause. After all the valuable information which had been given to the House by that hon. gentleman, it had come out, that in the chops of the Channel, as it had been termed, that was, in our own seas, the American privateers had come and carried off our vessels; and it had been asked, how was the Admiralty to prevent them? These chops of the Channel were only cleared at last by the equinoctial gales, after the Admiralty had tried in vain. But it was not into the chops of the Channel alone that the Americans had penetrated, they had got into the Irish sea, and endangered the communication between Liverpool and Bristol and Ireland. Such a circumstance was hardly within the memory of man, that with such a naval force as ours, the Admiralty were not able to guard the narrow outlets of the Irish sea. He thought it strange that the secretary of the Admiralty should have taken no notice of the statements which had been made in the House, except as to a mistake of one address for another. The style of correspondence of the hon. secretary had certainly given offence, and driven the merchants of Glasgow to address the crown. The hon. secretary had said, that he should wait for documents; but no documents were necessary, the general facts were sufficient to criminate the Admiralty. It was enough to say, that the losses had been occasioned by vessels having sailed without convoy. Was it to be said that vessels should not sail from Liverpool to Ireland without convoy? The details would be quite unimportant; it was no matter whether the *Tweezer* was here or the *Boxer* there. No man of common intelligence wanted information to know that the British seas were in-

festated, that vessels were left for months cruising in one latitude, and finally vessels had been sent against them, which had sunk when they came along side. They would be overloaded with an immense mass of papers, in which he should be surprised if he found any thing to justify ministers. If, either on the part of the commander or of the government, there had not been some negligence, the ports of America might have been blockaded at the beginning of the war, and the egress of large, and probably of small vessels, effectually prevented. Yet by a list published in America in last July, 1032 British vessels had been brought into American ports, or destroyed by American cruizers. Such a case was undeniable, and it would be a great neglect on the part of the House to adjourn without expressing its opinion on a subject on which England and Europe had already decided. There was one point on which explanation was necessary, viz. how it happened that, as ministers had said, all that was requisite had been sent out to Canada, yet, as our officers had said, nothing that was requisite had arrived? It was true, wood had been sent to Canada—we had sent wood to Canada!—while gun-locks (which, as capt. *Pring* said, were not to be procured in the country) were not sent. This was as if we should, if Newcastle was attacked, send store of coals to keep the inhabitants warm, and neglect all other provisions. The plan pursued by sir *George Prevost* was obviously one sent out from this country, as no officer who had been in North America could have hit on one so absurd as the attempt to penetrate into New York; and it appeared from the dispatches that this was the fact. The hon. gentleman concluded by stating, that when the documents were before the House, he should enter more at large into the question.

Mr. *Wellesley Pole* rose to explain what he had said on a former night, as allusion had been made to it. He had then said, that as different opinions seemed to prevail with respect to the conduct of the two services, it would be better to wait till documents relating to both could be laid before the House.

Sir *Joseph Yorke* thought that it would have been more becoming in the hon. and learned mover to have abstained from several of his charges, till the papers which he had called for, and which had been granted, should have been on the

table of the House. The Board of Admiralty would wait till they were produced before they made their defence, conscious that the contents of those papers would afford them a complete justification in the eyes of the public.

Sir John Newport contended, that the hon. and learned gentleman who had brought forward the motion, was perfectly right in making out a case to justify him in calling for the papers. If the statements of the hon. and learned gentleman were criminatory (as indeed they were), the Board of Admiralty must remain under the full weight of that accusation till it was refuted. With regard to what had fallen from an hon. member as to the mode of protecting our trade by convoys, to what justification of ministers did that lead? He was old enough to remember that period of our history when we were at war with France, Spain and America, and he would boldly affirm, that during that war the captures on our own coasts were nothing in comparison with those that had been made in this single war with America. He never knew that a vessel was then captured at the mouth of Dublin harbour, and the crew landed at a place a few miles distant from it, as had been the case only a few days since. But how were convoys to secure the trade in the manner in which that business was conducted? A notice, perhaps, might be sent to Waterford, that the vessels in that harbour must join convoy the next day at Cork; and what security was there that those vessels might not be captured in their passage from one harbour to another? Besides, if the whole trade of the united kingdoms was to be put under the necessity of convoy, what trade, he would ask, could bear the expence? The true method was to keep our coast clear from American privateers. He agreed with what had been said, that so far as regarded the conduct of the war, and the reverses that had been sustained on Lakes Erie and Champlain, the fittest time for discussing those points would be when all the requisite papers were before them: but as to the injuries which our trade had experienced on our own coast, the universal voice of the country proclaimed the fact, and no documents or papers could make it more palpable.

The motion was then carried.

Mr. Horner, in proposing his second motion, said, he wished to trouble the House with a few observations. It was certainly proper for the right hon. gen-

tlemen opposite to determine in what way they would meet the question; nor had he any fault to find with them, for they had granted him the papers he required, and from their conduct that evening he should consider every charge he had brought against them as undeniably true until they were contradicted. He could not, indeed, believe it possible that men, sitting in their capacities, before parliament and in the face of their country, would patiently endure such accusations if they could refute them, and shuffle off the inquiry for three months longer! What! the ministers of the crown, the ministers of a great nation, ministers entrusted with all the affairs of government, would they, if they could help themselves, say, "three months hence the voluminous papers you require shall be ready for you, and when you have got them you may then fish out for yourselves the information you want?" Novel as their proceedings had been on various occasions during the present session, their present conduct exceeded all that had been before witnessed. But the best times of that House were gone by; they had lost those men who, trusting to their own eloquence, trusting to their own elevation of mind and character, their wisdom and integrity, would have dared their adversaries to the proof of accusations like the present, and not have sought to escape them by petty evasions. Such a scene as was now beheld would not have happened in their days, whose example and precepts the right hon. gentlemen opposite pretended to follow. He would not repeat the name of Pitt—they could not look up so high as that—but in the days even of Mr. Perceval, had a charge of gross neglect in the execution of their duty, a criminal betraying of the interests of their country, been preferred against the administration, how different, how widely different would have been the conduct on the opposite side! Any men, having the feelings of men, any statesmen, having the feelings that belong to their high condition, could not silently brook the imputations now cast upon the right hon. gentlemen opposite, without at least stating, in general terms, that the facts advanced were untrue, and the inferences unjust. [Hear, hear! from the ministerial benches]. He understood the meaning of that cheer; it was a reluctant, a tardy denial; but why did they not speak more intelligibly? Why was it left to the sub-

ordinate officers of the Admiralty to say the little that had been said? The charges did not apply to that part of the administration alone; they applied to the whole government, which could not have left every thing to be settled and arranged by the laconic secretary to the Admiralty. If government conducted the affairs of the kingdom in the way they ought to be conducted, all the transactions to which his motions referred must have passed under its notice. As he before said, he should persist in considering his accusations as true, until they were contradicted; and he was quite sure the whole country would join with him in so understanding the silence of ministers. How humiliating had their conduct been! They had called parliament together, obtained the supplies they wanted, huddled over a few motions, and then got rid of the House again, because they found it somewhat too troublesome. The only symptom of vigour they had exhibited was in forcing on a motion of adjournment, in spite of all those important considerations which pointed out the expediency of parliament either continuing to sit, or meeting after a short recess. He would ask the right hon. the Chancellor of the Exchequer, whether he really thought the case he meant to make out for the Admiralty could be done by the papers which he (Mr. Horner) had moved for, or whether it would not be indispensably necessary to call for other documents? His charges were principally of a negative description, and went to shew that no adequate supplies, no sufficient preparations had been made. And what would the papers now moved for shew? They must certainly move for others, or their defence would be a lamentable one indeed. He had felt it requisite to say these few words; and should conclude with moving, "That there be laid before this House, a return of the date of sir James Yeo's arrival to take the command of his Majesty's ships and vessels on the lakes of Canada."

The *Chancellor of the Exchequer* rose, amidst loud cheers from the opposition. He said, he hoped the hon. gentlemen would be as pleased with what he was going to say as they seemed to be at seeing him get up. The hon. and learned gentleman had said, that no denial having been made to his accusations, he should consider them as unanswerably true till refuted. The House, however, would do him the justice to recollect, that he had

affirmed that government was in possession of more than sufficient information to refute all the facts of the hon. and learned gentleman, but that he wished the justification of ministers to rest upon authentic documents, and not upon his bare assertions; and he would repeat, notwithstanding all that had fallen from the hon. and learned gentleman, that he was still willing for the present to rest the case upon that foundation. No doubt it would be necessary to call for more papers; and the House, when all those papers were produced, would then be able to determine, whether it had sufficient documents before it to go into the inquiry, or what further ones would be requisite. With respect to the criminating observations in the speech of the hon. and learned mover, he certainly did think, that when all the papers he required had been granted, it would have been more candid in him to have abstained from them; however, all that he should now say would be a general denial of their truth. If the motion had been for a vote of censure, he should have been more explicit; but to such a motion as was then before them, he conceived the best answer was, to refer to the documents that would be produced.

Mr. *Wellesley Pole* said, that no consideration on earth should induce him to sit silent under the unfounded charges of the hon. and learned gentleman, and the base aspersions which had been cast upon his Majesty's ministers. The greater part of the last speech of the hon. and learned gentleman was founded upon an assumption which afforded a strong proof of the shortness of his memory: the hon. and learned gentleman had stated, that no denial had been given on the part of his Majesty's government to the charges which he had brought forward; but he appealed to the recollection of the House, whether his right hon. friend the Chancellor of the Exchequer had not, in assenting to the production of the papers, given a most distinct denial to the hon. and learned gentleman's statement. The hon. and learned gentleman had preferred a number of charges against his Majesty's ministers without a single document on the table to support his case; but he called upon ministers to produce certain papers which he said would substantiate his charges. In reply, his Majesty's ministers denied the existence of the imputed culpability on the part of government, but said that they were willing to produce the

papers (with one exception), in order that the House might judge whether the charges were or were not well founded. Under these circumstances, after ministers had professed their willingness to meet the charges, and to afford every facility to a full investigation of the subject, the hon. and learned gentleman had not only thought himself warranted in using the severest language against them, but had, in the most unprecedented manner, called upon the House to consider them as guilty, before the investigation took place, and before the House was in possession of one single document to guide its judgment. The hon. and learned gentleman had declared, that if certain papers were granted him he would prove his charges; his Majesty's ministers had acceded to his wishes, but it would be as unjust to call upon ministers, in the first instance, to enter into a detailed defence of every part of their conduct during the whole of the American war, without having a single paper upon the table to which they could refer to for their justification, as it was to call upon the House to determine now, that ministers were guilty, and to proceed hereafter to investigate the case. Soon after the hon. and learned gentleman came into the House this day, he had shewn to ministers a list of the papers which he meant to call for; he was then told that they should all be produced, with the exception of one paper, which was of such a nature that it could not be laid upon the table consistently with the public interest; but, even with regard to that paper, he was told, that if he would so modify his motion as to call only for those parts of it which could with safety be produced, he should have it. His Majesty's ministers had then, he contended, a right, after complying with the hon. and learned gentleman's motion for the production of all the evidence which he required, to call upon the House to give them credit for having discharged their duty faithfully to the public, until the inquiry could take place. He begged the House to consider the nature and extent of the charges brought forward by the hon. and learned gentleman, and then to determine, whether ministers could, consistently with what was due to their own characters, enter then into a full justification of their own conduct. He had begun with arraigning the measures of ministers at the commencement of the war in 1812; though, till the present

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moment, neither he nor any of his friends had thought proper to prefer any charge against government upon the subject. The next point which he had selected for attack was the failure on Lake Erie, an event with which the gentlemen on the other side of the House were long ago acquainted, and yet no motion, no charge was brought forward by them upon the subject. One gallant officer (captain Barclay) had<sup>v</sup> been brought to a court-martial and honourably acquitted, but another (general Proctor) was at present under trial for his participation in that transaction. Could ministers, he would then ask, in justice to that officer or to themselves, now enter into a full discussion of that and every part of the American war before the documents were produced upon which alone the House could decide? The hon. and learned gentleman then expressed his wish that the House would (with the same absence of all information upon the points of which he had accused ministers) come to an immediate decision respecting the failure on Lake Champlain, although it was obvious that the causes which led to that failure must undergo a regular investigation before a court-martial. With respect, therefore, to the harsh language which the hon. and learned gentleman had applied to his Majesty's ministers, it was as unwarranted as the whole of his conduct on this occasion was unprecedented. He wished to ask the hon. and learned gentleman whether, if he (Mr. Pole) was about to impeach him for his conduct for several years past, and had, when he moved for documents to support his accusation, not only called upon that hon. and learned gentleman on the instant, and without a document in his possession, to proceed to a vindication of every part of his conduct, but had also called upon the House to consider him guilty before one tittle of the evidence on which the charge was founded was produced—he wished, he said, to ask the hon. and learned gentleman, whether he would not consider such a course of proceeding most uncandid and most unjust? The hon. and learned gentleman in justice and in candour might have said, "I have brought certain charges against you, and have called for papers to substantiate them; you have agreed to produce the papers; let the House suspend its judgment till the papers are produced, and then determine whether I have or have not made good my charges." He begged

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pardon for troubling the House, but he thought he should have deserved his full share of the harsh epithets which that hon. and learned gentleman had so liberally bestowed upon his Majesty's ministers, if he could have sat silent under such unfounded aspersions,—aspersions which he thought the more extraordinary, after the manner in which the papers which he had called for had been granted.

Mr. *Tierney* began by congratulating the right hon. gentleman upon that vivacity and energy of manner with which he always endeavoured to enliven the dullness and insipidity of his side of the House. On the present occasion, however, he had proved himself no less disinterested than facetious, for he was the only one who had nothing to do with the charges brought against ministers, and yet he was the only one who could not bear to bear them, the only one who could not sit still and be silent. He had taken the pains, too, of broaching a novel doctrine in the course of his speech. According to his system, when papers that were intended to be moved for, were granted by ministers, it was most unhandsome, and quite provoking, to shew the reasons why they were called for. Now, he did not happen to view the matter in the same light as the right hon. gentleman; but thought, on the contrary, that it was a very proper, and a very customary proceeding. But then, rejoined the right hon. gentleman, "have we not given a flat contradiction to all that has been said?" That sort of answer might have been very well if they (the opposition) had said to ministers, you are a set of incompetent bungling fellows; and ministers had replied, we are no such thing, we are very competent clever gentlemen: there would have been assertion against assertion: but here, a grave charge was brought in detail, and the answer to it was all in a lump. Ministers had certainly said, you shall have all the papers you want. And what then? Why then we will adjourn till the 9th of February, and by that time we shall know if we want papers too; and when we have found it out, then the Easter holidays will come, and we shall trust to the chapter of accidents for the rest. The proceedings of his hon. and learned friend were, he contended, perfectly regular and proper; and he should be quite satisfied with those of the right hon. gentleman opposite, if they would not adjourn. He never doubted

their willingness to grant papers; every administration had been ready to come down to that House with yards of red tape and quires of papers; but they were not always so willing to grant inquiries. He hoped some part of the fire and vigour displayed by the right hon. gentleman had by that time infused itself into his colleagues, and that they would yet condescend to inform the House wherein the statements of his hon. and learned friend were wrong.

Mr. *Bathurst* said, he did not rise to give satisfaction to the right hon. gentleman, but simply to justify the course which had been taken by his right hon. colleague, who, he contended, in abstaining from giving any answer to the *ex-parte* statement which had been made by the hon. and learned gentleman who had brought forward the motion, had, under the peculiar circumstances of the case, adopted the most prudent course. Adverting to the failure on the lakes, he asked whether the fairest way was not to produce information? But the hon. gentlemen opposite said they did not want it, and attributed that failure to want of proper supplies. He contended, that the proofs to the contrary depended materially on the result of the judicial inquiries now carried on. All that had been said with respect to gun-locks, &c. not being furnished, would then, he trusted, be shown to have been unfounded. If he were to produce a letter out of his pocket giving the most positive and satisfactory information on that head, the hon. gentlemen would say, let it be authenticated. Of what use would then be present defence, unless the official pieces were laid before the House? At least one half of our misfortunes on Lake Champlain was supposed to arise from the loss of captain Downie. Whether or why the locks alluded to had not arrived in time, was a matter of inquiry now. The gentleman who complained that ministers granted all their demands, but forced them to wait two months before they could proceed upon them, forgot that it had been in their own power to have brought forward the motion long before. Why had they not done it during the last session? Why had they not done it on the first night of the present? Some of the papers might then have been produced; but it might not be possible to present the whole, even when the adjournment should be over, and parliament should resume. The returns of the court-martial

on general Proctor might not then have been received; and with respect to the affair on Lake Champlain, it must be put into a train of legal inquiry. It therefore would be impossible that the House should enter into the proposed investigation, even should it continue its sittings earlier than it would do now. As to the loss of the great men whose eloquence and abilities had once been the admiration of the country, it applied equally to the other side of the House. If the measures of the present administration were not defended with the same eloquence as the measures of former administrations, yet he conceived that in the present instance they had as much right as any other, to ask from the fairness and candour of the House, that the bare statement of the hon. and learned gentleman should not be taken as proof against them.

Mr. *Whitbread* said, he thought the whole of the proceedings on the other side of the House denoted a deep conviction of blame and misconduct, an inquiry into which they anxiously sought to elude. The Master of the Mint, who was blameless, because he did not form a part of the government during the period comprehended in the motion of his hon. and learned friend, stood forth in vindication of his colleagues; yet he remembered when that right hon. gentleman sat by the side of the costly ambassador to the court of Lisbon, and loudly cheered him, when he complained of the want of vigour in carrying on the war, and advised the government to strike home in the outset of the contest. [Hear, hear!] Now, however, he was ready to defend the supineness of that administration; and he could not hear the base, slanderous, and wicked aspersions cast upon it, without rising just to shew that he could speak; and then, as if afraid their guilt would come out, opposing the motion for inquiry. With regard to the papers that had been called for, he, for one, saw no objection to their being produced. The right hon. gentleman who spoke last had asked, why the matter was suffered to sleep all last session? If that right hon. gentleman would, for once, only have a little candour, he would see the reason. Last session was a most extraordinary one. Unlimited confidence was then placed, by that opposition which never confided, which never displayed candour, in the wisdom and discretion of ministers. Not a question was agitated that could in any way embarrass

them. But, if an accusation of neglect was to be made, would it not equally apply to some who now sat on the other side of the House? There was the right hon. gentleman, the Master of the Mint, for whose acquirements and natural gifts he had a great respect; but nature never did so much for him as when she made him brother to the duke of Wellington. With all his vigilance, with all his activity, with all his knowledge in matters military, nautical and political, why did he not bring the subject forward? Surely he had neglected his duty as much as any other hon. gentleman. Now, however, the time for inquiry was come, and it was to be deferred till the 9th of February. The right hon. gentlemen, were ready to go to trial, and yet the House was to wait till the 9th of February before it could know what papers would be necessary for the investigation; then they were to wait for the court-martial on general Proctor, and after that, for the court-martial on sir George Prevost; and by the time all those documents were ready, it would turn out, after all the magnanimity of the right hon. gentlemen, that they were laying a plan to escape inquiry altogether. Other momentous questions would then be pressing to their attention. Lord Castlereagh would be returned; the state of Europe would come under their consideration; and a great domestic topic, one which he knew weighed sorely on the mind of the right hon. gentleman, he meant the Income-tax, would be to be discussed. Thus the session would be taken up, and thus ministers hoped they should be able to elude inquiry. He thought his hon. and learned friend had taken a manly, direct, and proper course, in the conduct he had pursued; and even in the first interval that had elapsed between his giving the notice of his motion and making it, ministers ought to have prepared themselves to state what papers they should want, so that at least the earliest opportunity after the recess might have been seized to go into the inquiry. But, on the contrary, their whole course indicated a sense of blame, and an eager desire to shift off the evil day as long as they could, in hopes that something might occur to put it off altogether.

Mr. *Huskisson* rose merely in consequence of what had fallen during the debate, relative to a right hon. friend of his, who was absent (Mr. Canning); and he was desirous to correct a mistake with

regard to what had been his sentiments concerning the American war. The arguments he had employed were confined solely to the outset of the war; and he had expressed his doubts whether it was a wise policy to send an admiral as an ambassador, "with a flag at the main," to use his own expression. He had not, at any time, arraigned the insufficiency of the measures pursued by government; and he would defy any member to state, that his right hon. friend had ever charged ministers with inefficiency in carrying on the war, or in protecting our own coasts. He thought the right hon. gentleman (Mr. W. Pole) had done no more than he ought, in complaining of the attacks that had been made on him and his colleagues by the hon. and learned mover of the question; who, in his speech upon making his second motion, had certainly no right to infer that all the criminality which he imputed to ministers was proved, after the assertions made by the right hon. the Chancellor of the Exchequer.

Mr. Ponsonby declared, that he had always paid that attention to the sentiments of the right hon. the ambassador to Portugal which they deserved; and that he perfectly recollected that the right hon. gentleman had stated, that he could not understand the policy of making the war with America, as some would have it made, a war of gentleness and tenderness. With respect to the former observations of his hon. and learned friend, which had been adverted to, they related to the prejudging of the case of officers under trial by a court-martial. But on what ground parliament could be called upon to suspend an inquiry into the policy of government with respect to any enterprise, because the officers who were charged with the execution of it were yet to be tried, he confessed himself to be at a loss to conceive. It was of no consequence whether the officers had executed the service entrusted to them skilfully or not; the question was, if it was wise on the part of government to give them such a service to execute? An hon. gentleman had said, that when the papers on which the inquiry into the convention of Cintra was founded were moved for, they were granted without any debate. Now, unless his recollection failed him altogether, there had been on that occasion a very long debate. Surely there was some part of the charge brought against government by his hon. and learned friend, which

might have been answered without the infliction of injury on any one. For instance, would it not have been easy for his Majesty's ministers, in reply to the accusation of a want of adequate preparation on the lakes, either to declare that there had been an adequate preparation, or to state the causes which had prevented it? Would the reputation of any officer have suffered by such a developement? and would not the character of government have suffered less than it must suffer (whether justly or not he would not say) under the silence which had been maintained? He never recollected any thing like the conduct of his Majesty's ministers on this occasion; and it must inevitably create a strong suspicion in the public mind, that there had been gross and scandalous neglect and misconduct in the various departments of the government.

Mr. Stephen observed, that although his hon. and learned friend had been apprized by his Majesty's ministers that they had no objection to his motion, yet he would not take his papers without making a speech, and, having made a speech, he wished to show his abilities in a reply; to which reply, however, a previous debate was indispensable. This debate, however, not taking place, his hon. and learned friend chose to impute the silence of government to guilt. How did this consist with the candour of his hon. and learned friend? His hon. and learned friend had allowed that his opinions were grounded on loose information, had requested that the papers for which he moved should be produced, and had declared, that should they prove him to be in the wrong, he would be the first man to acknowledge his error. The papers were given, and then his hon. and learned friend ran away from his pledge, and from the evidence which he had himself demanded. He wished to know how his hon. and learned friend would have acted, had the papers been refused? Could he have said more than he had said on their being granted? Such was the consistency of this arraignment of ministers! Not that he blamed the prudence of his hon. and learned friend: it was very prudent on his part to ask parliament to censure his Majesty's government before the production of the documents on which alone that censure could be founded, because, on the production of those documents, it would probably appear that they were not liable to any censure at all. With respect to the opi-

nions of Mr. Canning on the war with America, the memory of the right hon. gentleman opposite seemed not very correct. He believed he could set the right hon. gentleman right, in that particular. So far was Mr. Canning from thinking that the war with America was not carried on with vigour, that the words he used in the only discussion on that subject, in which he participated, were, "Who ever thought that Canada was in danger?" This was not the first time that Mr. Canning's name had been dragged unnecessarily into the debate in that House. It was at one time asserted, that all his friends were to be provided for. It had also been said by the right hon. gentleman opposite, that the right hon. gentleman below him (Mr. W. Pole) owed his present official situation to his connexion with an illustrious individual, of an affinity to whom any man might be justly proud. For his part, he well recollected the exemplary discharge of his official duties by that right hon. gentleman, when serving in an administration, at the head of whom was a person whose virtues and talents he must ever remember with admiration and reverence; and he had no doubt that to his merits alone that right hon. gentleman was indebted for his recent appointment. For his own part, he confessed himself at a loss to guess why that right hon. gentleman had just been made the subject of animadversion on the part of the hon. gentleman, except it was considered a crime in him to have done that which his hon. and learned friend had called on all the members of his Majesty's government to do; namely, to speak when he felt that that government was loaded with unjust aspersions.

The motion was then agreed to.

Mr. Horner said, that before he moved for his next paper he must observe, that the gentlemen opposite took great credit to themselves for granting all the papers he had demanded, when the fact was, that two of the most important were refused. The proceedings of the court-martial on captain Barclay were refused to be granted until the issue should be known of another court-martial, the period of which no man could tell. Under these circumstances he must confine himself to extracts of the proceedings; and he would therefore move, "That there be laid before this House, an extract of so much of the proceedings and evidence of a court-martial held on captain Barclay, and the other

surviving officers of his Majesty's flotilla on Lake Erie, as relates to the state of preparation of that flotilla in point of equipment and armament."

The *Chancellor of the Exchequer* expressed his acquiescence in the motion.

Mr. *Whitbread* availed himself of the opportunity to declare, that what had been said by the hon. and learned gentleman (Mr. Stephen) completely confirmed him in his conviction, that in the only speech made by Mr. Canning in that House on the subject, he had complained of the want of vigour in the conduct of the war with the United States. The very quotation from the right hon. gentleman's speech, which the learned gentleman had adduced, proved this unequivocally; and when Mr. Canning said that nobody could ever think that Canada was in danger, it was impossible that he could have it in contemplation (no mortal could have had it in contemplation) that ministers would take credit to themselves for economy and wisdom, in not making any preparations to defend Canada, because the American government did not seem to have made any preparations to attack it. With respect to the infirmity on his part to which the hon. and learned gentleman alluded, he was sufficiently sensible of it. His memory was certainly bad, although perhaps some people might wish it was worse. [A laugh]. He should always feel himself at liberty to comment on the political conduct of every public man. But he denied any attempt to cast a slur on the right hon. gentleman (Mr. Wellesley Pole); all he had said was, that his near relationship to the duke of Wellington had, in his opinion, placed him in his present situation, as surely as the blood royal had seated those in whose veins it flowed, on thrones. Of the duke of Wellington's achievements the world was full; he had conquered all that were ever opposed to him; and it had only remained for him to crown them all by conquering the mint for the right hon. gentleman, and he had done it. [A laugh].

Mr. *Wellesley Pole* said, that the hon. gentleman had several times taken the trouble to attack him in a pointed manner. He knew not the grounds upon which he made those attacks, but whenever he thought proper to make them, he should always find him ready to answer them. The hon. gentleman had repeated some allusions which he had made on a former night to a right hon. gentle-



man now on an embassy: he had stated, on the first night of the session, that he had no connexion with that right hon. gentleman, or any of his friends, which could enable them to state the reason why he quitted office, or why he had now accepted it. The hon. gentleman had insinuated that he held his office in consequence of his being brother to the duke of Wellington, as if it was a matter of charge to be related to the noble duke. But that hon. gentleman was mistaken if he supposed he was in office because he was brother to the duke of Wellington. The House would, he was sure, excuse him, after the manner in which he had been attacked, if he stated that this was not the first time that he had the offer of a seat in the cabinet: that offer which was made to him, and pressed upon him, without the knowledge or concurrence of the duke of Wellington, he had refused. The whole of his political life was before the public; he was ready to answer any question, to meet any charge, which that hon. gentleman or any other might think proper to bring; but that hon. gentleman had no right to turn every debate into a personal attack upon him. If the hon. gentleman thought proper to charge his Majesty's ministers with conducting themselves in a shameful manner, he would not sit still and hear so utterly unfounded an assertion without giving it an answer. The hon. gentleman was accustomed to take a great latitude in speech, but the manner in which he had conducted his attacks that night was neither candid nor just. If he had any charges to make against him, he again called upon him to state them distinctly, and he was ready to answer them.

Mr. *Whitbread* thought he had as much reason to complain of the right hon. gentleman. The right hon. gentleman had scarcely taken his seat in the House before he attacked him, and had said, that he had so long been witness to the bothering questions which he (Mr. *Whitbread*) had for twenty years been in the habit of putting to government, that he should recommend to his colleagues how to treat him—never to answer him in haste, to take twenty-four hours to consider of it. If, however, the right hon. gentleman would put himself forward on every occasion, he must expect to be attacked. If he had said, that the right hon. gentleman was placed in the cabinet because he was related to the duke of Wellington, he had only said what he believed, and what the

public also believed. But the right hon. gentleman had denied it: he had stated that he might have been in the cabinet, without the privacy of his relation. A right hon. gentleman (Mr. *Huskisson*) had said, that he (Mr. *Pole*) had displayed great ability in other situations; and he (Mr. *W.*) was willing to allow, that when the right hon. gentleman held subordinate situations, he had been a most useful and active servant of the public: but he could no more have thought that the right hon. gentleman would have had a seat in the cabinet, if he had not been the brother of the duke of Wellington, than he could have supposed that the right hon. gentleman (Mr. *Huskisson*) would have held his present situation, if he had not been connected with the ambassador to Lisbon, who had provided for all his friends before he went. The attack had been commenced by the right hon. gentleman, and those who were so ready to attack, must not be put out of humour if assailed themselves.

Mr. *Wellesley Pole* thought it necessary to say a few words in defence of himself; and would state exactly how he came to hold his present situation. The earl of Liverpool had sent to him, to know whether he would accept of a seat in the cabinet. He replied, that he never had any political difference with his Majesty's ministers, and that he would accept of it. He admitted, that the duke of Wellington was desirous of his being in the cabinet, but that he had not interfered in his appointment. If the hon. gentleman thought that he owed his situation to such interference, or to the solicitations of any person, he was completely mistaken; he was not mean enough to hold office on such terms.

Mr. *Whitbread* said, that the story told by the right hon. gentleman, proved the most delicate attention on the part of the earl of Liverpool to the whole of the right hon. gentleman's family. The right hon. gentleman was quite mistaken, if he imagined that he had any wish to supplant him in his office, or that he envied him his distinctions. He was welcome to them all. Nay, he would go further, and reverting to what had been said the other night by a gallant officer about exchanges, he assured the right hon. gentleman he would neither change with his opponents, nor change them: they were entirely to his taste.

The motion was agreed to.—After some

further conversation, in which it was intimated by ministers, that the only objection which existed to the production of the papers moved for by the hon. and learned gentleman was, that the titles under which they were described were too comprehensive, and might be construed to include some information which it would be extremely unadvisable to make public, the following papers were ordered to be produced:—1. "An account of all ships of war and armed vessels belonging to his Majesty, which have been taken or destroyed by the Americans since the commencement of the war, with the force of each ship or vessel in guns, men, and boys. 2. A like account of all ships of war or vessels belonging to the United States, taken or destroyed by those of his Majesty. 3. A return of the number of American seamen that have been made prisoners of war since the commencement of hostilities; distinguishing collectively the number of those who have been captured, and those who were detained in ports of the United Kingdom. 4. An account of the merchant vessels taken from the United States of America, or destroyed and reported to the Admiralty since the commencement of the war; specifying the class or tonnage of each vessel, as far as the same can be ascertained; and distinguishing those which were detained in the ports of the United Kingdom. 5. An account of any frigates of a large class, or any ships of a class larger than frigates, and less than line of battle ships, built or fitted out since the 18th of June 1812, as far as the same can be produced without detriment to the public service, stating the periods at which such vessels were respectively fitted out. 6. Copies of all correspondence and orders relative to the *Prompte* and *Psyche* frigates, between the lords commissioners of the Admiralty, the Navy-board, the Transport-board, sir James Yeo, and the Navy-board's agent at Quebec." It was also resolved, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, copies of all petitions that have been addressed to his Royal Highness by any of his Majesty's subjects concerned in the trade of the United Kingdom, complaining of insufficient protection to the trade at sea and upon the coast against the ships of war and privateers of the enemy, since

the commencement of hostilities with the United States." Also, "Copies of all memorials and remonstrances, complaining to the same effect, that have been received by his Majesty's ministers, and of any answers that may have been made to such representations."

MOTION OF ADJOURNMENT TILL FEBRUARY.] The Chancellor of the Exchequer and Mr. Tierney rose at the same time. Mr. Tierney wishing to put a question to the right hon. gentleman relative to the proceedings at the Bank, and with a view of shewing that the House must sit to-morrow,

The *Chancellor of the Exchequer* said, the motion which he was about to make would afford the right. hon. gentleman ample opportunity for any statement or observations he might desire to submit. He should move, therefore, "That this House will, at the rising of the House this day, adjourn till Thursday the 9th of February next."

Mr. *Tierney* thought it his duty to oppose this motion, as he could shew that the House must necessarily sit to-morrow. The motion ought rather to have been, that the two dropped orders should stand for to-morrow; as it was quite unusual to adjourn for a length of time, and leave such orders undisposed of. He wished, however, to call the attention of the House to a subject of much more importance, as connected with the adjournment. It was in the recollection of the House, that a committee had been appointed to report on the state of the expiring laws; and they had reported, that two laws were on the point of expiring, which related to six millions of money, advanced, in sums of three millions at a time, by the Bank to government; and which sums were to bear an interest of five per cent., if not discharged within six months after a peace. The first of these was one which bore an interest, and which was provided for by the votes of last session; and the right hon. gentleman meant to pay to the Bank the amount of the interest. The other stood on the same footing; but no interest was provided for it. Now, as the act in question expired early in December, he would ask if gentlemen could think it right to adjourn at this time, and leave the interest so to be paid unprovided for? He would not disguise what he had just heard on this subject, which was, that a new arrangement had that day been made with the Bank.

But it was remarkable, that though the letter of the right hon. gentleman was dated about a week back, the Bank directors had abstained from calling a general court as soon as they received it; but had fixed on this particular day to bring the question before the proprietors of Bank stock. The fact was, that the House would have to make good, by the 13th of December, the sum of three millions to the Bank of England, or to pay interest for the further loan of it; and no provision was made for either. It was no answer to say, that there was an understanding just come to with the Bank, to let this sum remain outstanding without interest; for the Bank would do what would surprise him, if they did give it without interest. All these indirect proceedings, however, would convince the House there was something behind, which they could not understand. There was also another subject of deep importance, connected with those he had alluded to: he meant the Bank Restriction Act. This would expire next March, and it would be fit that the House should know what would be the result of this event. The Bank directors were no party men: they were the supporters of any and every administration. He believed the right hon. gentleman was secretary to the Treasury when the grant of six millions was made by the Bank; and it was thought a very nice thing to get such a sum without interest. This happened at a time when money was particularly scarce. The first act expired when lord Henry Petty (now marquis of Lansdowne) was in office, and he applied to the Bank to renew it; but the Bank said, that the renewal of the three millions could not be made except with interest. But why at that time, when we were involved in war, the Bank should refuse to re-advance this money without interest, and, now we were at peace, should adopt a course the very reverse, was what he could not understand. The right hon. the Chancellor of the Exchequer, however, had got this sum renewed, and had not said a word about it to parliament. If, therefore, the House should agree to the adjournment, they would agree to leave the public saddled with an outstanding debt of three millions, and no means to provide for it. He apprehended, that a new contract of this kind, without the consent of parliament, was not sufficient; but that the amount must be voted in the committee of supply, and a grant be made

in Exchequer bills. He had no doubt, if the subject had been mentioned earlier, that the result would have been an intimation that there was a debt of three millions outstanding early in December, and unprovided for; but that this was of no consequence; and gentlemen might adjourn, with perfect convenience, to eat their Christmas pies and spend their holidays. He must, however, proceed to explain a part of the consequences of this conduct. He was aware that the subject was a dull one, and he feared that he should scarcely be able to make himself understood; but such gentlemen as disliked, or were tired of it, had better get up and go away. The supplies which had just been voted for the service of the year, amounted to about 24,000,000*l.*; in addition to which there were 12,500,000*l.* of Exchequer bills, and also 15,000,000*l.* of Exchequer bills to make good those outstanding, all chargeable on the aids of the year. The ways and means afforded 3,000,000*l.* from the land and malt; and 15,000,000*l.* were still to come in from the war taxes of the year, making together 18,000,000*l.* This was the whole sum afforded by the ways and means; and thus it was clear, that provision was made for little more than one half of the supplies to be covered. But the great difficulty to be got over respected the sum of 15,000,000*l.* in the supply; for the right hon. gentleman appeared not to be in possession of one single sixpence in money; he had nothing but Exchequer bills. The question, then, was, how could this enormous amount be provided for? The 15,000,000*l.* which were to come in from the war taxes, no doubt the right hon. gentleman would tell the House was what he meant to touch as money, but not to pay off with it the outstanding bills of 1814. The Exchequer bills now outstanding, charged on the aids of 1814, were chargeable on the 15,000,000*l.* still to come in. But if the right hon. gentleman continued in this way to vote the one against the other, nothing was gained at last. He had found it expedient that these bills should not be postponed till another year, but should be paid out of the funds or aids of the present year. It should be recollected, that the Treasury never was empowered to issue any Exchequer bills on the aids of the year, till the Property Tax Act was passed; but it was then found expedient to issue such bills on the security of the grants and aids

of the current year; and it was remarkable, that the ministry of that time set out with only 4,500,000*l.* of these bills, which they had annually increased, and which were discharged by the money appropriated for the service of the year. He would defy the right hon. gentleman to produce an instance where any thing had been taken from the sums which have been to come in from the loan, in the manner the right hon. gentleman now intended to take them. The property tax going on while we were at war, the aids for the public service were sufficient. But now, what the right hon. gentleman had to do was, to assume the fact, that the property tax was to be continued. The Exchequer-bill holder then came in on precisely the same footing he stood on before, because he had a safe fund. Mr. Pitt never would have dreamt of laying a sum of 15,000,000*l.* on the aids of the year, unless under the assistance of the property tax. The property tax was very good security to the holder of an Exchequer bill, so long as he was certain of its continuing; but what certainty could he now have of such a security? There was no other fund to which a public creditor of this class could look. They were all mortgaged, and an additional vote had been granted to the consolidated fund. He did think, though he feared he had made himself, on a very dull subject, very imperfectly understood, that the right hon. the Chancellor of the Exchequer, in taking possession of so large a sum as 15,000,000*l.*, and in charging it on a fund that existed only in his own imagination, has been guilty of a most unjustifiable proceeding.

The *Chancellor of the Exchequer* observed, that the right hon. gentleman had opposed the adjournment for reasons so very different from those which he had expected him to urge against it, that he must beg leave to give a short answer to the right hon. gentleman's formal and technical objections, reserving to himself, with the permission of the House, the right of afterwards replying to any other gentleman who might state objections of a different and more general nature. The right hon. gentleman's objections were not only in themselves dry and technical, but as the subject to which they referred was also somewhat complicated, he feared that it would be difficult for him either to command the attention of the House, or to make his statement perfectly intelligible.

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The right hon. gentleman contended, that the House could not possibly adjourn until it had made provision for the repayment of a sum of three millions, which would, in a few days, become due to the Bank of England. To understand this subject, it was necessary to remark, that two sums, each of three millions, had been advanced, at different times, by the Bank, for the public service, upon very different conditions. The first of these sums was advanced in the year 1800, without interest, for six years, as a consideration for the renewal of the charter of the Bank. In 1806, when this sum became due, the Bank had consented to continue the advance, until six months after the conclusion of peace, at an interest of 3 per cent.; by which arrangement the public derived an advantage equal to the difference between three per cent. and the market rate of interest; which advantage could not, at that time, be taken at less than two per cent. For the repayment of this sum, parliament had made provision in the last session. The other sum of three millions, was that to which the right hon. gentleman's observations particularly applied. This advance arose out of the report of the committee of public expenditure in the year 1808. The committee, advertng to the great increase of the balances of public money lodged in the Bank since the renewal of the charter, had reported an opinion, that the public ought to partake in the advantage derived from the increase of those balances beyond their amount at the period of the renewal of the charter. The Bank, upon discussion, had acquiesced in this reasoning; and it had in consequence been agreed, that they should advance a sum of three millions, without interest, until six months after the conclusion of peace. This transaction, and the act of parliament which arose out of it, had not escaped the notice of the Treasury; and he (the Chancellor of the Exchequer) had in consequence communicated to the directors of the Bank his opinion, that the principles upon which Mr. Perceval had required that advance from them in the year 1808 were still in full force, and that it would be only reasonable that the Bank should continue to the public the benefit of this advance, as long as the balances of public money in their hands should be equal to their amount in 1808. In order to give time for a full investigation of this subject, the directors

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consented to recommend to the court of proprietors to continue this advance in the first instance, till the 5th of April 1816. Circumstances arising out of the forms required by the Bank charter, had prevented the court of proprietors from taking the subject into consideration until this day; but he had had the satisfaction of learning, that the court had agreed to his proposition. We had now, therefore, the consent of the Bank to postpone, till the 5th of April 1816, the repayment which the right hon. gentleman had supposed it necessary immediately to provide for. It was true, that this agreement must be carried into effect by the authority of an act of parliament; but he hoped he did not presume too much in anticipating the consent of parliament to an arrangement obviously beneficial to the public. He should, immediately after the recess, propose a bill to this effect; and it was only from want of attention to the Act of 1808, that the right hon. gentleman could have contended that any inconvenience could arise from the postponement of a legislative provision on the subject, till after the meeting of parliament.

It was necessary to attend to the particular provisions of that Act, with respect to the repayment of this sum. It was to bear interest, from six months after the ratification of the definitive treaty of peace; and in the first instance, both the principal and interest were to be charged upon the supplies of the year; and in case sufficient provision should not be made by parliament out of the supplies, this sum, together with its interest, would become a charge upon the consolidated fund, payable as soon as all other sums appropriated out of the consolidated fund by act of parliament should have been satisfied. In the present case, it might be considered as impossible that the sums already charged upon the consolidated fund by various acts of parliament, should be made good before the 5th of April next; and, therefore, the only case in which any charge could attach upon the consolidated fund in respect of this sum of three millions, could not arise until the subject might receive the further consideration of parliament. Even if so very improbable an event should happen, which, in the right hon. gentleman's view of the state of our revenue, must strike him more peculiarly as an absurd supposition, the Bank having consented not to require repayment, no other inconve-

nience could arise, than that a sum of money might remain for a few weeks unappropriated at the Exchequer, subject to the disposal of parliament at its meeting.

He hoped this explanation would be thought sufficient upon that part of the right hon. gentleman's argument; but there was another part of his reasoning of a still more extraordinary nature. He had contended, that the ways and means granted since the meeting of parliament, fell very short of the supply which had been voted; and that it was the duty of the Chancellor of the Exchequer, before the House adjourned, to propose measures for equalizing their amount. It was probably the first time that such an idea had ever been stated to the House. Both the theory and the practice of parliament, whether as inferred from their journals, or stated by Mr. Hatsell and other technical writers, required that the ways and means provided by the House should not exceed the supply they had granted; for this very obvious reason, that the contrary proceeding would leave in the Treasury, and at the disposal of the crown, if ministers should be found capable of misapplying it, a sum of money unappropriated by parliament. In the present case, he (the Chancellor of the Exchequer) had done all that the practice of parliament required, or that had been usual with other ministers at the opening of the session. He had provided such funds as he thought amply sufficient to carry on the public service, till parliament should have the opportunity of making further provision. He was aware that the right hon. gentleman had all along appeared to suspect some mystery in his proceedings; and though he had missed no opportunity to explain them as clearly as he was able, he still doubted whether the right hon. gentleman (Mr. Tierney) fully understood them. They were all of the most simple and usual kind. He had only thought it necessary to propose the usual annual taxes; a grant of Exchequer bills, three millions short of what had been granted last year, provision having been made in the last session for repaying that sum; the usual Act for issuing Exchequer bills on the aids of the year, and a grant equally usual in principle, though somewhat larger than the usual amount, upon the ways and means of the present year, for the service of the year ensuing. With respect to the annual Act for Exchequer bills on aids, the right hon. gentleman ap-

peared to him to have fallen into the strangest misconception. He had considered that Act as arising out of the property-tax. It had no connection whatever with that tax, but arose out of an improvement in the management of Exchequer bills. Formerly, almost all money bills contained what was called a clause of credit, empowering the Treasury to issue Exchequer bills upon their future produce. The consequence, therefore, was, that Exchequer bills issued at the same time, became payable at very different dates, and bore a different value in the market; because each of them could only be repaid in proportion as the fund in anticipation of which it was originally issued became productive. The consequence was, sometimes to afford opportunities of fraud, and almost always to occasion complaints and inconvenience, and, in a certain degree, to diminish the credit of Exchequer bills. To obviate these evils, the practice was introduced in lord Sidmouth's administration, of paying off Exchequer bills in course, according to the date of their issue, and without reference to any specific fund. It became necessary, therefore, to discontinue the practice of charging Exchequer bills upon particular funds, and the more convenient mode now in use was introduced, of charging them indiscriminately on all the aids of the year, by virtue of a general Act for that purpose. The Act lately passed was in this ordinary form, and could have no other than the usual operation.

The only remaining measure which he (the Chancellor of the Exchequer) had proposed to parliament, had been equally misunderstood by the right hon. gentleman. It had been already, on former occasions, explained to the House, but it might not be useless shortly to state its nature. For several years past, it had been the practice of parliament, towards the close of the financial year, which, it should be recollected, ended on the 5th of April, to make provision in the committee of supply, for the repayment of eight millions of the Exchequer bills charged on the aids of the year, and to make an equal sum of the ways and means remaining to be received, and upon which such bills had been charged, applicable to the service of the ensuing year. In the present instance, the House had thought it advisable to sanction a grant of the same nature to the extent of fifteen millions, because much larger sums remained to be

received of the ways and means of the year than had been the case in former instances. In those years, the only sums remaining to be received were a portion of the grant of war taxes; but there was now, besides the war taxes, a considerable proportion of the loan still to be paid. The sum of fifteen millions, therefore, did not bear a greater proportion to the total amount to be received, than that of eight millions had done in former cases. The House would observe, that this was in fact little more than a nominal transfer, by which a power was given to the Treasury to apply the ways and means of either year to the services which were of the most pressing nature. Without such a power, the wants of the public service might remain unsatisfied, while sufficient funds were lying in the Exchequer, for which there was no immediate call. When the services of each year were completed, and the ways and means realized, this account would balance itself, and require no particular provision; and might, at last, be omitted on both sides of the account, as had in fact been usual, without occasioning any error. The right hon. gentleman who saw the property tax in every thing, fancied he had discovered an anticipation of it in the present measure. He had stated that the Exchequer bills which would be left unsatisfied in consequence of the application of the ways and means of 1814 to other services, would be "charged upon the property tax after the 5th of April." Why they should be charged upon the property tax rather than any other possible fund, the right hon. gentleman had not stated; no power had been given to raise upon the war taxes one shilling more than was already granted. It could no more be contended that the war taxes were to be charged, than the consolidated fund, or any future loan. By what ways and means this, among the other services which had been voted, was to be ultimately provided for, would be the subject of future deliberations of parliament. If indeed the right hon. gentleman could have proved that no sufficient provision had been made for carrying on the public service till the House should again assemble, he might have opposed the adjournment with reason and with success; but on this point he desired to set the right hon. gentleman's mind at ease, by assuring him that the payments which the Exchequer could depend upon receiving would be sufficient

to defray any expense which could be foreseen. Parliament had also given a power of issuing Exchequer bills; but, exclusively of any increase of Exchequer bills, which he wished and hoped to avoid, he trusted that every necessary charge was sufficiently provided for; and therefore that the House, without any public inconvenience, might take advantage of the interval which the proposed recess would afford them, of attending to their private concerns, and to those branches of country business which it was not of less importance to the public interest than to the good of their particular residences, that they should have occasionally, and especially at the present season, the opportunity of superintending.

Mr. *Tierney*, so far from conceiving the proposed adjournment called for, thought it the most mischievous measure which could be resorted to. It was admitted, that the House was about to adjourn, leaving three millions of money which ought to be paid in December unprovided for, till after the 9th of February, while it was also admitted that the consolidated fund, on which the three millions in question might have been chargeable, had it been equal to the burthen, was deficient considerably more than two millions. Was this the way in which that House ought to conduct their business? As to the fifteen millions of Exchequer bills in aid of the fifteen millions of the former year, he contended that the property tax and other war taxes now ceasing, there was no ground whatever for continuing this system. Formerly such aids were secured on a fund already appropriated by parliament for the purpose of paying off such Exchequer-bills, and whether this was done one year, or a transfer of the burthen was made from the one year to the other, could make little difference, while the fund appropriated for the purpose remained entire. But where the fund did not exist, but was to be found by parliament, the case was very different. Would any man say, that a fund to be found by parliament afforded him the same security as a fund already appropriated for the purpose? Here the adjournment was proposed, not for the purpose of facilitating public business, or to accommodate parliament, but actually to get quit of parliament. Did the right hon. gentleman say there was nothing to be done? He could not say that. He might, indeed, complain of having been very hard worked. The

House had sat 24 days, and had voted away 24 millions of the public money. It was hardly possible to conceive a session in which a greater deal of public business was to be expected. What would they have to do between the 9th of February and the 22d of March? They would then be called on to renew the Bank Restriction Bill; and was it possible to contend, that this could be done without a committee of inquiry? It was absolutely necessary that the Bank should shew the House what they had been doing in the mean time, to enable them to meet their payments in cash. This must be done before the 22d of March. There was not the smallest doubt in his mind, that the property tax was intended to be continued to its fullest extent, and yet there would not be three weeks to debate upon it, although at least three months would be necessary. Why not, if an adjournment were so necessary, advise a message from the crown? The fact was, that neither the right hon. gentleman nor any one of his colleagues dared to advise the Regent to send such a message. They wished to retire from what they had to encounter, and prayed that God might send lord Castlereagh back before the 9th of February to relieve them. Amongst the business for discussion in the spring would be the Corn Bill, the Bank Restriction Act, the Property Tax, the war, and he hoped the peace with America, and the proceedings of the Congress. He would ask, what portion of all this business could by any possibility be got through after such a loss of time? What would become of the Lords, who were spoken of with such respect in that House? They would have to sit till October. He was afraid he had tired the House with his tedious detail; but he would conclude, with imploring the right hon. gentleman to give some kind of reason for the adjournment till the 9th of February.

The *Chancellor of the Exchequer*, in reply, asserted, that he saw nothing to induce the House not to adjourn. The right hon. gentleman was extremely alarmed lest the property tax should be continued. He hoped the right hon. gentleman, if he meant to oppose that tax, would suggest some other equally advantageous.

Mr. *Tierney* begged the right hon. gentleman would not call upon him to propose taxes; he was only anxious to see them abolished.

The *Chancellor of the Exchequer* was sure

the right hon. gentleman must know, that the public service must be supplied. He justified the adjournment, on the ground that it was impossible to procure a large attendance of members at this time of the year, when every gentleman wished to attend to his country business and hospitalities. The time after February would be found amply sufficient for every purpose.

Mr. *Abercromby* insisted, that the remainder of the session would involve measures, on which depended the future comfort, convenience, and happiness of every class of society, not excepting those of large fortunes. He strenuously opposed the motion of adjournment, and considered it as the establishment of a precedent unparalleled in our Parliamentary History. He alluded to the proceedings relative to king Joachim and the king of Sicily, stigmatized them as a distinct departure from the ground which we had originally taken, and as a proof of the total ignorance in which the ministers at home remained as to the proceedings of their colleague abroad. Wonderful events had occurred since the present administration had been in power, and ministers, till lately, had deserved the praise of not committing any very great fault, of not throwing impediments in the way of success. The declaration of the allies last year, was one cause of the confidence reposed by parliament in ministers. The confederated powers had not acted up to the principles they avowed then, and therefore that could no longer be urged in favour of an adjournment. He thought, under all circumstances, that ministers did not deserve the confidence that they asked for.

Mr. *Robinson* said, that if, as the hon. and learned gentleman who had just sat down was of opinion, his right hon. friend the Chancellor of the Exchequer had offered no reasons for the adjournment, he would say of the last speaker, that he had given no reason why the House should not adjourn. He was content the question should rest on the ground on which the hon. and learned gentleman had put it at the close of his speech, and that it should be decided according to the confidence the House had in ministers. He thought some of the gentlemen opposite had withdrawn their confidence from the noble lord at Vienna without reason. He did not quarrel with this, but he contended, that as the noble lord had gone to Vienna with their approbation, ministers were justified in expecting the House would continue

that confidence, until his noble friend returned to vindicate his conduct. The subjects that would come under discussion might then receive those explanations from him, which it was impossible for the House to receive in his absence.

Mr. *Ponsonby* rose, and said: Sir, I cannot agree in the justice of the arguments of the right hon. gentleman who spoke last; because, although in the preceding year it was wise in this House to confide, to a certain extent, in his Majesty's ministers, yet I see no reason whatever, in the present posture of affairs, for pursuing the same course. There is no sort of analogy between the two cases: last year the allied powers were in arms against Buonaparté; and it was a question of policy, whether they were to make peace with him, or to pursue the war to the extent of dethroning him, and of restoring to the Bourbon family the crown of France? It was impossible for the House to form an accurate opinion on this subject. It was impossible for the House, or for any person, not on the continent at that time, and in the confidence of the allied sovereigns, to say what was the true line of conduct which ought to be adopted on that critical occasion. Under these circumstances, it might be found necessary to incline to his Majesty's ministers; to impart to them a degree of confidence, which an ordinary occasion would not, perhaps, warrant. The House were called upon to adopt one of these alternatives; either to give to ministers the confidence they had done, or to discuss questions on which their information was extremely limited. If they had entertained those questions, I conceive the House would have adopted a proceeding which they could by no means have justified. Because, as I have before observed, none but those who had a perfect knowledge of the feelings of the different European powers, were competent to express an opinion on so complicated a subject. For my own part, Sir, I always thought that Buonaparté was ruined, as he was made, by himself. His own mad ambition was his ruin; and I always considered the great merit of lord Castlereagh to be, his not determining, in the first instance, not to make peace with Buonaparté. The moderation which the Allies shewed on that occasion, was the great cause of their success. If they had been too violent in their proceedings, if they had conducted themselves with haughtiness, and thus have excited the resentment of the



people of France, Buonaparté might have escaped from the misfortunes which his own folly had created. But the allies, by deviating from the maxim that no peace was to be made with Buonaparté, were ultimately enabled to accomplish their object. This, Sir, I always looked upon as the principal merit displayed by the emperor of Russia and the allied powers; and I am convinced, that, if they had followed a contrary course, they would have failed; nothing would have been done.

But, Sir, is there any thing like this now? Certainly not. There is now no question of peace or war to be decided; no question is now agitated, with respect to this or the other dynasty in Europe; we are not now supposed to be engaged in controversies of that sort. And, with respect to what is passing in the Congress at Vienna, I will venture to say, that our discussions are likely not only not to produce mischief, but to consummate great good. If things have been done in that Congress, which are said to be concluded, is it not likely that the exertions of this House may do considerable good, when it is known to the feelings of many of its members, perhaps the feelings of the entire English nation, that such proceedings are deemed unworthy of those by whom they were countenanced? Surely the manifestation of such a feeling is calculated not to produce injury, but to operate great good. It is curious, Sir, to observe the arguments adduced by the right hon. the Chancellor of the Exchequer for the adjournment. He tells us we are now approaching Christmas. This, however, is but the 1st of December, and there is a very considerable interval between this and Christmas. The intermediate time, however, he informs us, is not sufficient to debate, properly, any bill, connected with any great question whatsoever. Twenty-four days he considers not sufficient to debate and carry through the House any one bill, on any one great and important public measure. Now, Sir, let us examine the position in which he will place the House by the proposed adjournment. The right hon. gentleman wishes to adjourn to the 9th of February. But how many important measures, in that case, must the House decide upon by the 25th of March? in a time exceeding only by 19 days that which he says is not extensive enough to carry any one particular measure through the House: in that period, Sir, almost all the material measures of the

session must be attended to. Let us see what those measures are; we are to determine on the continuance or cessation of the Bank Restriction Act. Is not this a most important measure? Can any man imagine that the finances of England will ever be in a sound state, until a metallic currency is restored? Can any person suppose that her situation will be really flourishing, until cash payments are renewed? Will the House, then, determine on a subject of this kind without inquiry? Will you determine, because it was found necessary, in time of war, to agree to those restrictions, that therefore they shall be continued in time of peace? And will you state no reason to the country for this decision? The right hon. the Chancellor of the Exchequer says, that it became the candour of my right hon. friend (Mr. Tierney) to point out how the necessity of the time could be met without war taxes—without the property tax. This is, Sir, a fair insinuation on the part of the right hon. gentleman, that he intends to continue the property tax. But, can any individual believe that he, or any person else, could make a proposition of this kind without inquiry, without stating to the House and to the country the reasons which rendered such a proceeding necessary? Here then are two very important measures; and if each of these is to take twenty-four days, which the right hon. gentleman declares to be an insufficient time for the discussion of any bill, I should be glad to know how we are to get through them in the space between the 9th of February and the 25th of March? One of the acts to which I allude will expire on the 25th of March, and the other on the 5th of April. There is another point worthy of our particular attention. This mode of proceeding, meeting, adjourning, and meeting again, in the course of a month or two, strikes almost all the representatives of Ireland out of the House of Commons; they cannot attend in this way. The assizes will be going on in the month of March; and the nature of the business in that country is such, that the Irish members find it absolutely necessary to absent themselves from parliament. I believe that scarcely five Irish members have been seen in the House since the commencement of the session. And I am sure, if the English or Scotch members were placed in the same situation, they would act precisely in the same way. It is not a very light thing for the Irish

members to bring their families and establishments across the Channel three or four times a year. It may be said, "Oh! it is your duty to attend!" We know that—but we also know that they will not attend. When the House is sitting in August or September, the same remark might be made: it might be observed, "it is your duty to remain until the prorogation." This may be true, but we know the Irish members do not remain; for, in general, the business relating to that country is executed in very thin Houses, and with very little consideration. In the present short session, we have had brought before us, in consequence of this system, no less than three acts of parliament respecting Ireland—two of them to be repealed, and one of them to be amended. But, Sir, is there a necessity for this adjournment? because nothing but the most pressing necessity can justify it. I say, and I will maintain it, there is no necessity. The only necessity is this, and the right hon. gentleman might have stated it with perfect truth, that he and his colleagues feel it necessary to get rid of those who sit opposed to them in this House—to get rid, in short, of the House of Commons. This is the only necessity that exists—this is the necessity which pressed on them—and, under its influence, they acted as they have done. But if they cannot, in a time of profound peace, when every shilling they called for has been voted; if they cannot at such a moment conduct the business of the country themselves, in the absence of one of their colleagues, the public certainly must be of opinion, that they are very unfit for their situations. The want of money brought us together—(Hear!)—nothing else; for the ministers have not proposed, from themselves, any one measure to parliament, except the grant of money. That they have got, and got largely; and, having accomplished their object, they now propose to adjourn. At the next meeting of parliament, if they equally succeed in obtaining their desires, they will not be more anxious to keep us together. I always thought the want of money occasioned us to be assembled, and I am now confirmed in my supposition. The moment the supply is voted, we are to be turned, it seems, about our business. But I hope the House, under these circumstances, will not listen to the proposition. As we are assembled, let us continue to sit, and make some progress in

the public business. Are we to have any inquiry on the Bank restriction? If so, why not proceed with it now? Why not make some advances towards forming that report? Why devote twenty-four days to utter idleness? We could proceed with that inquiry now. It is a most important subject, and the right hon. gentleman would scarcely attempt to propose a continuance of the restriction, without examination at all? If, then, examination is to precede the continuance of the measure, why should we not enter upon it before Christmas? The progress we might make on that point, would clear our way in the investigation of the property tax. The more you do before Christmas, the less you will have to do after. In almost every instance that I can recollect, parliament met in January; not so early, perhaps, as the 9th or 10th, to which time I think we ought to adjourn; but somewhere between the 18th and the 23d. But, by the motion now before us, we are called upon to pass over January as well as December. I foresee from this a great deal of public inconvenience; I foresee, that very important business will be put off to a late period, when there will not be sufficient time to examine it; and therefore, to prevent such evils, I shall move, as an amendment, "That, instead of the 9th of February, the 9th of January be substituted."

Mr. W. Fitzgerald was not aware of its being a novelty for parliament to be assembled when money was wanted for the public service, nor did it appear to him that the practice merited the censure cast on it. Though it could not be contended that the situation of public affairs were the same as last year, yet the change which had taken place was not so great as to make it improper for parliament to pursue a course similar to that which they had then thought it their duty to take. He did not think the House would be likely to have a fuller attendance in January than it had now. For many years, when parliament had not assembled before Christmas, they had not been called together before the latter end of January. He could see no reason whatever, now that parliament had met and forwarded part of the public business, why they should again be assembled, as proposed by the right hon. gentleman, so early as the 9th of the ensuing month. As to the accommodation which it was said ministers would find in waiting the return of the

noble lord, he had to say it would be felt as such by them, because it would enable them to answer, without a breach of duty, those questions which the gentlemen opposite seemed to value themselves so much on having asked in the present session. When the noble lord appeared in his place, he was confident it would be seen that he had done his duty, and ministers would probably again receive the praise of not having thrown any impediment in the way of the desired arrangements.

Sir *J. Newport* said, that parliament seemed to have been called together merely for the purpose of doing what the French parliaments were formerly assembled to do, namely, register edicts for grants of money. He could see no reason for adjourning from that day, the 1st of December, to the 9th of February. At the time of their re-assembling, many of the Irish members would not be able to attend.

Mr. *J. P. Grant* said, he could not subscribe to the doctrine that the existing negotiations at Vienna afforded a sufficient reason for the proposed adjournment; neither was the conduct of ministers such as to entitle them to the same confidence which they had been entrusted with last year. What was there on the opposite bench to inspire confidence? With every degree of respect for the private characters of many of those gentlemen, he would not entrust to them the management of the affairs of a private individual, much less those of the nation. The Chancellor of the Exchequer, as his right hon. friend (Mr. Tierney) had stated, would be found to have pledged a portion of the property tax as a security for Exchequer bills: he must meditate, therefore, a prolongation of that obnoxious impost: but, with the feelings of the country on the subject, he would find it one of the most arduous tasks that any finance minister ever had to encounter. Whether he looked at the conduct of the war with America, or the terms of peace which they had proposed, he thought ministers equally unentitled to confidence.

Mr. *Marryatt* observed, that if the Bank of England had that day refused to continue the gratuitous loan of three millions, then he should have thought the arguments of a right hon. gentleman (Mr. Tierney) against the adjournment of considerable force. That, however, had not been the case. It appeared to him, that the question with regard to the continu-

ance or repeal of the property tax, depended altogether on events which were still in the womb of time, and which the continued sitting of parliament could neither precipitate nor delay. If, for instance, the American war continued, or it were found necessary to maintain a large army on the continent for a prolonged period, he should think that either of those causes, or both together, would render the continuance of that tax as expedient as its first imposition was necessary. That tax was most objectionable and burthensome in many respects; but if the same necessity which created it required its continuance, he had no doubt the country had patriotism enough to submit. With regard to the Bank restriction, it was equally evident, that the large drain of specie which would be occasioned by the prolongation of the American war, and the maintenance of a force on the continent, would also render the continuance of that measure necessary. At any rate, the House must wait for events before it could come to a decision on any of those questions. How could they judge of the negotiations at Vienna until they were finished? To keep the House sitting under present circumstances would be only playing the children's game of questions and commands to no good purpose. He could not forget that the same gentlemen who now recommended that the House should continue sitting, had formerly recommended the husbanding our resources, and would have shut us up in our island, and left all Europe a prey to the most relentless despotism. By the very different policy pursued by ministers, we had become the deliverers and the arbiters of the world; and he now wished to give them an opportunity of consolidating the great work which they had begun.

Sir *Gilbert Heathcote* said, he understood the negotiations at Ghent were going on favourably. He was glad of it, and as far as an individual might, he begged to thank ministers for sending out instructions which had caused them to take such a turn. If the American war were not put an end to, the property tax and war taxes must be continued, which otherwise might become unnecessary.

Mr. *Whitbread* complimented Mr. *Marryatt* on the gallantry with which, in the course of the evening, he had twice come forward in defence of ministers. He was not altogether surprised at the good opinion the hon. gentleman had of ministers,

and doubted not but if certain friends of his (Mr. Whitbread's) were to pass over to the Treasury-bench, that they would soon be equally happy in conciliating the hon. gentleman's confidence. In their Address in answer to the Speech of the Prince Regent, the House had pledged itself to proceed with all due caution to adopt such measures as should appear necessary for the purpose of extending our trade and securing the advantages we have gained. This pledge the House, he contended, by adjourning as was now proposed to do without taking any step in consequence of it, left unredeemed. They had that night for the first time heard from the right hon. the Chancellor of the Exchequer the portentous declaration, that the property tax was to continue; and the right hon. gentleman had hinted, that those ought not to vote against it who could not point out some other mode of raising the money necessary for the service of the state. This position he denied. It was not for those who objected to the taxes proposed by the right hon. the Chancellor of the Exchequer to devise others. For what purpose was the place the right hon. gentleman held given him, if other members were to discover for him measures of finance? It was enough for them to shew that they were oppressive, injurious, and unnecessary, in the present state of the country. An intimation had also been given by the right hon. gentleman, that a corn Bill would be introduced in the course of the session. A measure which, whatever might be its intrinsic policy, it would be highly inexpedient to attempt in the present state of the country. He had been charged with inconsistency, because he had expressed his confidence in lord Castlereagh at the time of his departure for the continent, and would not now continue it. It was true, that from the autumn of the year 1809, when a right hon. gentleman (Mr. Canning) had made a desperate plunge in politics for the purpose of unseating the noble lord and placing himself at the head of the administration (which adventure had ended in his own complete downfall), he (Mr. Whitbread) had entertained a higher opinion of the noble lord; the conduct of lord Castlereagh at that time had met Mr. Whitbread's approbation, and his conduct since had not tended to diminish it: this opinion he had fairly avowed, nor was he disposed now to recal it, but many circumstances had recently come to

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his knowledge which induced him to lessen his confidence, nor did he attribute the destruction of Buonaparté so much either to the councils of the noble lord, or to the efforts of the allies, as to the overweening vanity of him who had been de-throned, amounting to nothing short of madness. But was the conduct of the British minister at Vienna, with regard to Saxony or Poland, such as to add to the confidence he had felt? Undoubtedly it must be diminished, and then, what was he to say to those who called themselves the coadjutors of the noble lord, who were in truth only his colleagues, bound to him by ties of office, but incapable, utterly incapable of rendering him in his arduous situation of ambassador the smallest assistance? The financial blunders of the right hon. the Chancellor of the Exchequer had occasioned the early assembling of parliament, and the right hon. gentleman had used the House of Commons for the purpose of postponing the evil day for which he had not provided. As to the questions he had felt it his duty to put, one hon. gentleman (Mr. Marryatt) had called them children's play of questions and commands: it was well he did not say answers, for none were given, or if given, they well deserved the appellation of children's answers [Mr. Wellesley Pole shook his head]. The right hon. gentleman needed not to agitate himself: he (Mr. Whitbread) would not stop to take any notice of him now; he had matters of much higher concernment to treat: besides, the right hon. gentleman had called for quarter, and he should have it. [A laugh]. The part which ministers had acted, might, indeed, be properly called child's play: they had behaved like children, who, conscious of their own weakness, were seeking for support and assistance from others. They were constantly praying not to be assailed before the arrival of the noble lord. "Where is the noble lord? Wait till the noble lord comes, the noble lord will be able to account for every thing, and clear himself to us." They were constantly calling out like babies, "Where is daddy? Oh dear! Where is daddy? We want daddy!" for lord Castlereagh was absent, and they sorely felt the want of his paternal guardianship and assistance. [Hear, hear! and a laugh]. The hon. gentleman then proceeded to refer to the precedents of 1797 and 1806, to shew that the present adjournment was unjustifiable on that ground;

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he had no doubt ministers found parliament a very troublesome machine, which they had not the power to manage, and wished to get rid of it; but the people of England knew its value; for upon the speeches, good or bad, delivered in that assembly, depended the liberties of mankind. Buonaparté at the Isle of Elba must chuckle exceedingly at seeing what had happened since his abdication, which tended, if any thing could do so, to the restoration of that extraordinary person; for mankind would prefer the yoke of one efficient tyrant of talents, which might give sanction to atrocious follies of a set of inefficient tyrants: of one great and efficient tyrant, a great many inefficient tyrants had started up in his room.

Mr. Bathurst did not think it necessary to follow the hon. gentleman through the various topics embraced in his speech. The objection urged against the adjournment, that the House had not redeemed the pledge they had given, "to proceed with due caution to adopt such measures as should appear necessary for extending our commerce and secure the advantages we had gained," was, he thought, singularly urged, as it could hardly be thought they would make good their promise to proceed with due caution, had they entered upon the subject thus early. He maintained nothing that had transpired ought to shake the confidence of the House in ministers, and complained of the unfairness of mixing up the personal conduct of the noble lord at Vienna, with the proceedings imputed by the hon. gentleman to the allied powers. It was unjust to do this till it had been proved that they had his sanction, and he denied that the hon. gentleman could give proof of this. The negotiations now pending, were only second in importance to those which had formerly called for the presence of the noble lord, and the confidence of the House on the present occasion was not less desirable than on the former. On the choice made of the noble lord to attend the Congress, he believed no difference of opinion had existed. If the House sanctioned the mission of the noble lord to Vienna, they must take the inconveniences with the conveniences, and wait till the proceedings of the Congress (of the meeting of which they had not yet heard) were made public. The hon. gentleman had sneered at the situation in which ministers stood in the absence of that noble lord. His absence was unquestionably

severely felt by all of them, but he was confident, that had the noble lord remained in his place in that House, his conduct would have been marked by that reserve of which so many complaints had been made against himself and his colleagues near him. On the subject of the arrangements spoken of on the continent, he again asserted they could not have been finally settled. The negotiations at Ghent had been going on at a period subsequent to that, down to which the proceedings were given in the American papers; and the fact of negotiations being pending, was a sufficient reason for the House to abstain from all interference on that subject. He contended that ministers had not asked that confidence should be reposed in them, which it had not been the custom of parliament to grant, on occasions at all resembling the present. He complained of the attack made on his right hon. friend (Mr. Wellesley Pole), as unjust. He thought him hardly dealt by, to be spoken of as if nothing but his birth could have made him eligible to serve the public. He vindicated the calling of parliament together before Christmas, and attempted to shew the inconsistency of the complaint that this measure excluded the Irish members from the House, and the assertion that the consideration of the Bank Restriction Act ought to be forthwith proceeded with; as if it would be proper to deny them all participation in so important an inquiry. Having replied to a variety of other arguments urged in the debate, he again repelled the charges preferred against the noble lord now at Vienna, and demanded, before judgment should be pronounced on his conduct, that he might have an opportunity of explaining it in person, when he doubted not, he would succeed in shewing, that if, in every thing, he had not been successful, he had not failed to discharge his duty.

The House divided, when the numbers were:

For the Amendment ..... 23

Against it..... 86

Majority ..... —63

The original motion was then agreed to. After which the House adjourned to Thursday, the 9th of February, 1815.

## HOUSE OF LORDS.

*Thursday, Feb. 9, 1815.*

This day both Houses met pursuant to adjournment.

**MILITIA.]** Earl *Fitzwilliam* gave notice that on Wednesday next he would submit a motion on the subject of the militia, and moved that the Lords be summoned.

Lord *Grenville* adverted to the propriety of having accounts before their lordships relative to the disembodiment of militia corps which had taken place subsequently to those of which a statement had already been laid upon the table; and he intimated his intention to move for such paper.

Viscount *Sidmouth* observed, that there could be no possible objection to the production of such an account as that contemplated by the noble lord. The document could be laid before the House either to-morrow or Monday.

Lord *Grenville* then moved, that the account be laid before the House, which was ordered accordingly.

## HOUSE OF COMMONS.

Thursday, February 9.

**PROPERTY TAX.]** Mr. Serjeant *Onslow* rose to present a petition against the renewal of the Property-tax, from the mayor, corporation, and inhabitants of the town of Guildford. He stated that these petitioners had cheerfully borne the tax during the war, but conceived that they were now entitled to an exemption from this burthen. He moved that the Petition be read.

Mr. *Ponsonby* said, he was desirous of taking the earliest opportunity of calling the attention of the House to the subject of this Petition; a subject on which such very numerous petitions had been prepared all over the country to be presented to that House. He now rose to ask the right hon. the Chancellor of the Exchequer, whether his Majesty's ministers had yet made up their minds as to the course they would pursue. He wished to know, whether or not it was their intention to propose a renewal of the property tax, which, according to the existing law, would expire on the 5th of next April.

The Chancellor of the Exchequer replied, that it was his intention on Friday, the 17th inst., to submit to the consideration of the House several important measures relating to the finances of the country; and he was prepared to state, that the continuance of the property tax was not one of the measures he meant to propose, unless in the event of the non-ratification of the treaty of peace with America.

Mr. *Ponsonby* was not sure that he rightly comprehended the meaning of the right

hon. gentleman: he understood him to say, that it was not at present his intention to propose a renewal of the property tax. He wished to know if he was right in this.

The Chancellor of the Exchequer said, certainly he did not mean to propose a renewal of the property tax, unless the House should refuse to adopt the other measures which it would be his duty to submit to their consideration.

Mr. *Ponsonby* thought what had fallen from the right hon. gentleman was quite unsatisfactory: he wished to know what was his determination. He was aware the right hon. gentleman did not make up his mind hastily, nor always cling pertinaciously to his first resolution; but after the time which had passed since the House last met, he ought to have been able to make up his mind on this subject; he ought to be able to give a decisive answer to the question. Did he mean to propose a renewal of the property tax, or did he not?

The Chancellor of the Exchequer said that the renewal of the property tax was not one of the measures which he had then an intention to propose, but he had other measures to propose in lieu of it.

Mr. *Whitbread* said, the statement which the right hon. gentleman had first made was very different from what he had last said. He had first stated that he should not propose the renewal of the property tax, unless the House should refuse to adopt a financial arrangement which he should then propose. If the right hon. gentleman rested on this statement, it was important that the country should know it, that the manifestation of the public feeling against this inquisitorial and oppressive tax might continue. The right hon. gentleman had now that measure, the renewal of the property tax, in his hands as an instrument of coercion. He could say, "adopt whatever I suggest, or else you shall submit to the property tax." After a lapse of a few minutes the right hon. gentleman had taken a different tone. Now, what was the state of the case? Did the right hon. gentleman propose the property tax as an alternative, which it would be necessary to accept if his financial propositions were not agreed to; or did he mean to say, that neither in that event, nor in any other event, would the property tax be renewed?

The Chancellor of the Exchequer said, that he did not doubt the country would cheerfully submit to the measures which the

House might think it most expedient to adopt. The House, on Friday the 17th, would have to consider a financial scheme, of which the renewal of the property tax would form no part; it would, of course, be for the House to determine, whether the scheme which he had to propose would be preferable to a renewal or modification of the property tax?

Mr. *Whitbread*. The first statement of the right hon. gentleman, then, was the correct one, and the property tax is to be the alternative.

The Petition having been ordered to lie on the table,

General *Gascoyne* said that he was not perfectly satisfied with the explanation of the Chancellor of the Exchequer. He had a petition to present on the same subject, and he believed there never was one more numerously signed presented in behalf of the town which he represented; he believed that there were not above seven or eight individuals paying the tax in Liverpool by whom the petition against it was not signed. He had expected that day to have heard a positive declaration on the part of the Chancellor of the Exchequer, that as he saw the tax was so disagreeable to the country, he would not attempt to propose its revival. The circumstances which had attended the adoption of the petition which he had to present, were so extraordinary, that he could not suffer the question to pass without mentioning them; as they proved, that before Christmas the ministry had not determined whether they should not prolong the existence of the property tax beyond the 5th of April next, or rather that they had determined to continue it for one year; for a letter written soon after the recess, from a person too closely in the confidence of the Prince Regent to leave any doubt on the subject, and which was sent to Liverpool, stated that it was the intention of the ministry to propose the continuation of the property tax for one year, even on the supposition that the treaty of peace was ratified by the American government. This letter was sent to many parts of the kingdom: indeed, it was so general, that it was acted upon. The town of Liverpool, which would not otherwise have met, had been called together, and at that meeting the petition against the property tax, which he had to present, had been agreed on by all present, with the exception of two or three individuals. He was then instructed to inquire what the intentions

of his Majesty's ministers were? He had, of course, no right to demand what those intentions were, but he should have wished to have been informed on that subject, to know whether he should propose that the petition be referred to a committee, or simply that it be laid on the table. It would be most consistent with the character of the right hon. the Chancellor of the Exchequer to declare absolutely that he should not propose the renewal of the tax. But although the explanation which had been given was not perfectly satisfactory, he did not think fit to propose a committee.

The Petition was read and ordered to lie on the table. In the course of the evening, forty-two petitions were presented against the continuance of the property tax.

#### COURT MARTIAL ON SIR JOHN MURRAY.]

The *Chancellor of the Exchequer* informed the House, that he had received the commands of his royal highness the Prince Regent to acquaint them that lieutenant general sir John Murray, a member of this House, had been placed under arrest, in order to be tried by a court-martial.

Mr. *Fremantle* said, that it was not his intention to trouble the House with remarks on the court-martial of sir John Murray, but he could not help observing with regret the personal enmity and rancour which had been suffered to manifest itself on that trial.

Mr. *Rose* called the hon. member to order, and said it was perfectly irregular to make observations on a subject not at all before the House.

Mr. *Fremantle* said, that his only intention was to call the attention of ministers to the circumstance, which was the more necessary, as they had seen the alarming circumstance which had arisen from another court-martial.

The *Chancellor of the Exchequer* said, the hon. gentleman might have introduced the observations he chose to make with more regularity on the motion, which he was now about to propose. It might be, however, satisfactory to the hon. gentleman, to know that his Majesty's government had taken precautions to prevent unpleasant consequences resulting from what had happened on the trial in question. The right hon. gentleman then moved, That an humble address be presented to his royal highness the Prince Regent, to return the thanks of this House

to his Royal Highness, for his most gracious Message, and for his tender regard to the privileges of this House, in the communication which he has been pleased to make to this House of the reason for putting lieut. general sir John Murray in arrest.

The motion was agreed to.

**BANK RESTRICTION BILL.]** On the motion of the Chancellor of the Exchequer, the Act of the 54 Geo. 3, c. 99, to continue the restrictions contained in several Acts on payments of cash by the Bank of England, was entered as read. The right hon. gentleman then moved, That the House should, on Monday next, resolve itself into a committee to consider of the said Act.

Mr. *Horner* wished to know if the right hon. gentleman meant to propose the renewal of the Bank Restriction Act, without first moving that the House should go into a committee on the affairs of the Bank.

The *Chancellor of the Exchequer* had no intention of moving for such a committee; but it was competent for any member to bring forward such a motion if he thought proper.

**CONGRESS AT VIENNA.]** Mr. *Whitbread* said, that as there was a motion before the House, he should trouble them with a few words before the motion was put. As notice had been given for so early a day as the 17th of this month, of a new plan of finance, he must of course take it for granted that the affairs of Europe were definitively settled. At least, if minor points had not been completely arranged, yet as the right hon. the Chancellor of the Exchequer was about to propose important financial arrangements, that all the grand points had been settled which had been in controversy so long, and so disgracefully in controversy at Vienna. He wished therefore to know, whether his Majesty's ministers were better informed on some points than they were previous to the adjournment of the House on the 1st of December; whether they were prepared to disavow the proclamation of prince Repnin, of which at that time they knew nothing; whether they were able to speak with certainty as to the fate of Genoa, respecting which, then, they had no information? These matters were of course now finally arranged and adjusted, so that ministers were able to look forward

with security to the settlement of the affairs of Europe, as was evident by the measures of which they had given notice. He should not speak of the disgraceful acts, if acts they were, which had emanated from the Congress, nor of the disgraceful manner in which the great subjects discussed there had been treated—that it was stated that so many millions of subjects were due to one sovereign, and a balance of 250,000 subjects to another sovereign, as if the sovereigns were every thing, and the people nothing—as if the horrors of the French Revolution had made such an impression on the minds of men, that no fantastic tricks on the part of monarchs could shake them on their thrones, and renew those terrible convulsions which had shaken all Europe. But it was most important that the House should know what arrangements had been made at the Congress, and he thought there was no time so proper to inquire as when notice had been given of a definitive financial arrangement.

The *Chancellor of the Exchequer* considered the conduct of the hon. gentleman irregular, in bringing the subjects which he had mentioned into discussion, when no question respecting them, and no authentic document was before the House. At the same time he had certainly no objection to say, once for all, that as his noble friend (lord Castlereagh), who had attended the sitting of Congress at Vienna, was on his return, and might be expected home in a few days, he was disposed to wait his arrival before he offered that explanation which had been required. The House would feel, that it would be in the power of his noble friend to give fuller and more satisfactory information on all the great points which might be touched upon, than he could submit to them; and he therefore hoped they would admit the propriety of waiting till the noble lord could be present. This statement, he trusted, would satisfy gentlemen opposite that no disrespect was intended to them, if some of their questions remained unanswered.

Mr. *Whitbread* only wished to remind the right hon. gentleman and the House, that it had been said on a former occasion, when the silence observed on the Treasury-bench had been made a subject of complaint, that had the noble lord been in the House at that time, the same secrecy would have enveloped the events passing on the continent, but that the



information wished for would be given in his absence, if he should not be returned when parliament again assembled.

Mr. *Ponsonby* denied that the Chancellor of the Exchequer was correct in describing the conduct of his hon. friend as irregular in bringing forward those topics to which he had thought it his duty to advert. There was a question before the House, and one which, as it extended to the whole of the money transactions of the country, was one into the discussion of which they might be fairly introduced. He, for his own part, would say, that if the state in which things should be placed was so far determined upon at Vienna that the right hon. gentleman thought himself justified in making his financial calculations for the year, he would have done well to postpone bringing forward the measures he had announced, till he could make some statement explanatory of the arrangements to take place. To him it appeared an extraordinary thing that the Chancellor of the Exchequer should give notice that he would to-morrow se'nnight bring forward some new and important financial plan, and yet refuse to say any thing of the general state of politics. At the same time, he confessed he did not feel this so strong a difficulty as other people might feel it, for in his opinion there was but one course for the House to pursue, namely, to reduce as fast as possible the public expenditure. The state of the country and the happiness of the people required it. As the exertions of the people had put an end to the property tax, he hoped a continued manifestation of public opinion would produce still greater benefits, and oblige ministers to reduce the public expenditure to the smallest scale consistent with the honour and dignity of the country [Hear, hear!].

The motion was agreed to.

SIR JAMES DUFF.] Mr. *Whitbread* wished to ask a question, which he supposed the Chancellor of the Exchequer might answer, even in the absence of lord Castlereagh: whether inquiries had been made as to the conduct of sir James Duff, in advising the governor of Gibraltar to give up certain Spanish fugitives?

The Chancellor of the Exchequer informed the hon. gentleman that inquiries were made, but the answers not yet, he believed, received.

Mr. *Whitbread* begged to recal the right

hon. gentleman to dates. At the latter end of November the inquiry was transmitted; plenty of time, therefore, had elapsed for the necessary answers; perhaps in the multiplicity of the right hon. gentleman's avocations, the correspondence might have been overlooked. He would therefore express a hope that before to-morrow, when he meant to repeat his question, some answer would be forthcoming.

The Chancellor of the Exchequer hoped in a very short time to be able to lay before the House the necessary information.

COMMISSIONERS OF ACCOUNTS IN IRELAND.] Sir *John Newport* desired to be informed by the right hon. gentleman opposite, whether his Majesty's ministers had it in contemplation to introduce a Bill in the present session, to enable the commissioners of accounts in Ireland to examine on oath the several witnesses they may think necessary. He was aware that the crown had given permission to that effect, but contended that such permission was illegal, and that the commissioners could not proceed to exercise that power unauthorized by act of parliament. He requested permission to inform the House, that he had been legally advised on this subject, and that the former Act was reduced to a perfect nullity, in consequence of its not having contained that authority.

Mr. *Bathurst* stated, that he was not aware of any such intention on the part of his Majesty's Ministers, they conceiving it perfectly unnecessary.

Sir *John Newport* observed, that he should then esteem it his duty to bring in a bill to that effect; and immediately gave notice that he would introduce it on Tuesday next.

SALE OF THE PROMPTE AND PSYCHE FRIGATES.] Mr. *Croker* presented an account of the number of ships and vessels on the lakes of Canada.

Mr. *Whitbread* inquired if there was no correspondence respecting the intended sale of the frigates of the nature of that for which he had formerly inquired.

Mr. *Croker* said there was no correspondence of the nature described, of the dates formerly mentioned by the hon. secretary.

Mr. *Whitbread* had understood from the hon. gentleman that such a thing had never been in contemplation.

Mr. *Croker* repeated the statement, that

there was no correspondence of the nature described, and of the dates specified.

Mr. *Whitbread* said, the paper in his pocket must, in that case, contain a forgery. He had received a letter written in the name of the hon. gentleman, signed J. W. Croker, directing the sale of them. He had understood that hon. gentleman to state on a former occasion, that nothing of the kind had been in contemplation; and if his memory did not deceive him, he had said, referring to him, "if he cannot take my word, let him bring his motion." An order from the Admiralty likewise signed by him, and dated July 27, 1814, he had received, which went to authorize the sale of the ships. The letter of the hon. gentleman was dated July 26th. It stated the lords of the Admiralty to have abandoned the idea of setting them up as first intended, and directed them to be sold; the frames to be conveyed to Halifax. The hon. gentleman, if he had not been misunderstood, had fallen into a great and unaccountable want of recollection, having forgotten that he had signed the order in question. Mr. *Whitbread* moved, "That there be laid before the House a copy of a letter from the navy office, addressed to commissioner Hall at Quebec, touching the sale of the frames of the *Prompte* and *Psyche* frigates."

Mr. *Croker* said, that he had no objection to the production of the paper, which, in fact, was a mere repetition of an Admiralty order included in the papers before the House, and on that account alone omitted, as were other papers of a similar nature. With respect to what had fallen from him on a former occasion, if the hon member would do him the honour of more accurately remembering his words, he would find that he only contradicted the statement of the hon. member, that both the frigates sent out were ordered to be sold, as inapplicable to their object, that statement being, in fact, unfounded, as one of those frigates, which was still on the navy list, had actually been carried up to the lake for which it was originally intended.

Mr. *Whitbread* declared he was in the recollection of the House, that he understood the hon. secretary to have denied that any order at all had been sent out with respect to the sale of either of the ships under consideration. A gentleman might contrive an easy egress from any statement through the distance of dates,

but he certainly never understood the hon. secretary to have made any distinction as to singular or plural in the conversation alluded to, but to have applied his contradiction quite in unqualified terms.

Mr. *Croker* observed, that the order sent out with respect to the sale of either of these frigates was quite conditional, depending upon the decision of sir James Yeo whether they were found effective or not. All he meant to contradict in the conversation alluded to, was the statement on which he understood the hon. mover to have made, that neither of these frigates was conveyed to the lake.

The motion was agreed to.

PETITION FROM WIGTOWN RESPECTING TRIAL BY JURY.] A Petition of the freeholders, justices of the peace, commissioners of supply, heritors, and others, having property in the county of Wigtown, was presented and read; setting forth:

"That anciently the laws and the forms of law of England and of Scotland were similar, and the greatest number of lawsuits, civil as well as criminal, were tried by Jury; and that, in the reign of king James the 5th, the court of session was introduced into Scotland, in which lawsuits were tried and decided according to the forms used in Lorrain and in other provinces of France, without the assistance of juries; and that the change gave much dissatisfaction, and was a great cause of the civil dissensions which agitated Scotland till the union with England, all attempts to restore the form of Trial by Jury in civil cases having been rendered abortive; and that, in the treaty of union with England, it is declared, that the laws which concern public right, policy, and civil government, may be made the same throughout the whole united kingdom, but all endeavours for that purpose have been ineffectual; and that the court of session has been divided into two divisions, which has in some degree remedied the delay in that court, but the improvement cannot be completed till the multiplicity of writings shall be abridged, the taking of evidence by commission abolished, except when attendance is impossible, and Trials by Jury, in certain civil cases, restored; and that much expense and delay would be avoided, and many appeals to and remits by the House of Peers would be prevented, by having the facts ascertained by Jury in the courts

of original jurisdiction, which would afford relief, and give satisfaction to the people of Scotland; and praying for relief."

Ordered to lie upon the table.

**FINANCE—PROPERTY TAX.]** Mr. *Tierney* requested some explanation from the right hon. the Chancellor of the Exchequer as to the new plan of finance, which he had announced his intention of bringing forward on Friday next; and also whether he proposed to lay any papers on the table, and of what nature, illustrative of his object? He requested this information, in order that other gentlemen might be afforded an opportunity of considering whether any, and what farther papers might be necessary, with a view to the due understanding of the subject.

The *Chancellor of the Exchequer* was glad the question had been put, as it gave him an opportunity of stating, that it was not a new plan of finance which he proposed to bring forward. He had stated that he had certain important financial measures to propose, but they were not, as was supposed, of a novel description.

Mr. *Tierney* understood the object of the right hon. gentleman to be the proposition of some substitute for the property tax. If so, then the right hon. gentleman must have in view some new plan of finance, some provision for the supply of the year, in lieu of the property tax. On a measure of such magnitude, he thought it obviously necessary that the House should be furnished with some previous information as to the right hon. gentleman's views, before it was called upon to decide.

The *Chancellor of the Exchequer* declined to enter into any premature explanation of his object; but he would repeat, that the measure which he had in view required no previous inquiry, but would merely consist of resolutions, founded upon an ordinary statement; by which resolutions, however, he did not at all propose to tie the judgment of the House.

Mr. *Ponsonby* felt it impossible even to guess at the right hon. gentleman's object, from what he thought proper to state. He wished to know distinctly whether it was the intention of the right hon. gentleman on Friday next to enter into the general establishments of the country, or to state the probable expense of a permanent peace establishment?

The *Chancellor of the Exchequer* replied, that he had no intention of entering into

any statement as to the peace establishment.

Mr. *Tierney* wished to know something of the nature of the ways and means which the right hon. gentleman proposed to bring forward, and what vote of supply these ways and means were to meet?

The *Chancellor of the Exchequer* lamented that his object did not appear intelligible to the right hon. gentleman. His view was simply this, that as he had no intention of proposing the continuance of the property tax, he meant to submit a resolution to the House, that another measure of financial supply was necessary.

Mr. *Whitbread* thought it extraordinary that the right hon. gentleman should think the House necessarily obliged, under existing circumstances, to resolve upon providing a substitute for the property tax, which, according to law, must expire at a certain period after the conclusion of the war. Such a tax should not of course require a substitute. But he wished to know from the right hon. gentleman when that arrival was to take place, which must necessarily gratify the right hon. gentleman's natural anxiety to unseal his mouth in that House upon questions of general policy; at what time the noble lord (Castlereagh) was expected, and whether he was likely to be present on Friday next? He also desired to learn, whether the right hon. gentleman intended on Friday to enter into any general statement of the finances of the year; whether he proposed to bring forward what was commonly called the budget?

Mr. *Baring* thought it was not much to ask, that that House should have the means of forming a judgment on measures of such importance, before they came to vote upon them. The right hon. the Chancellor of the Exchequer had said, he would not on that day pledge the House to the maintenance of any of the present establishments in the country; but as he wished to pledge them to the propositions which he would then lay before them, he hoped he would, either by printing them, or by some other means, take the House out of the disagreeable necessity of coming to vote upon them in a hurry.

Mr. *Ponsonby* remarked, that the Chancellor of the Exchequer had said he would give the House the time usually given to consider of the ways and means proposed by the minister. They had no reason to thank him for this, as, acting thus, he only gave them that of which he had no right

to deprive them. Though that which the right hon. gentleman had to submit to them was not a new plan, it was one of great importance. Information was absolutely necessary, or how could the House know that it would be right to vote the ways and means called for, if they knew not to what purpose they were to be applied? Would he call upon the House for large supplies, without letting them know what was the naval or military force intended to be kept up for the year, and what the establishment to be maintained? He could hardly expect the House would be thus led blindfold. He said, he would not pledge them to any of the present establishments; but how could they vote any thing, if they did not know what they were, which it was proposed should be kept up? Did ever the Chancellor of the Exchequer pursue such a line of conduct before?

The *Chancellor of the Exchequer* said, that if it should hereafter be found that he desired the House to place confidence in him, which they had not been in the habit of reposing in the person who filled his situation, or if it could be shewn that he recommended to them to take any unusual or unparliamentary course, then he would admit the observations which had been made on this occasion were to the purpose. At present he considered them to be premature.

PAPERS RELATING TO THE LOAN OF THREE MILLIONS FROM THE BANK, WITHOUT INTEREST.] The Chancellor of the Exchequer presented the following

#### CORRESPONDENCE WITH THE BANK.

1. Copy of a Letter from the Chancellor of the Exchequer to the Governor and Deputy Governor of the Bank of England, relative to continuing the Loan of 3,000,000*l.* to 5 April 1816, without Interest.

*Downing Street, 22 Nov. 1814.*

Gentlemen; I beg leave to call your attention to the Act 48 Geo. 3, cap. 3; by which it appears, that the sum of 3,000,000*l.* advanced to the public under the authority of that Act, will become payable to the Bank on the 17th December next. As the principle, however, upon which that advance was made, continues in full force, and the public balances deposited with the Bank, in consideration of which its amount was regulated, remains undimi-

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nished; I consider it to be my duty towards the public, and equitable towards the Bank of England, to propose to your court, that a new Bill should be submitted to parliament, to authorize the continuance of the loan in question, without interest, until the 5th April 1816. I have proposed this time, conceiving, that under the present circumstances of the country, it may be thought desirable to fix a definitive period when this subject may be again brought under review; but I beg to be distinctly understood, as not departing from the reservation made by the late Mr. Perceval, in his letter to the governor and deputy-governor of the Bank, of the 11th January 1808, by which he guarded against the possibility of any misconstruction which could preclude the public, after the expiration of the period of the loan then agreed upon, from asserting its title to future advantages from the continuance or increase of such deposits; and as adhering generally to the principles maintained by Mr. Perceval, in the discussions which then took place. You will allow me to add, that it is desirable that this proposition should be brought under the consideration of your court as early as may suit their convenience. I have the honour to be, &c. N. VANSITTART.

2. Copy of the Resolution of the General Court of Proprietors of Bank Stock; relative to continuing the Loan of 3,000,000*l.* to 5th April 1816, without Interest.

At a General Court of the Governor and Company of the Bank of England, 1st December 1814:

The governor laid before the court, a letter from the Chancellor of the Exchequer, proposing to continue the loan of 3,000,000*l.* to government, without interest (which by the Act 48 Geo. 3, cap. 3, will become payable on the 17th instant, being six months after the ratification of the definitive treaty of peace), until the 5th April 1816:—which letter was read. The governor acquainted the court, That the court of directors having taken the said letter into consideration, are of opinion, that the proposal contained therein be complied with, if this court thinks fit.

The question was then put, that the proposal contained in the said letter be complied with, on the part of the Bank? And carried in the affirmative.

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## HOUSE OF LORDS.

Friday, February 10.

**DUTIES ON IMPORTS.]** The Earl of Lauderdale moved for the production of an account of all duties imposed on foreign articles imported into Great Britain, with the exception of corn, and a specification of the different Acts under which such duties were laid. His lordship then made a few observations respecting the state of our foreign commerce, which he seemed to think called for serious inquiry. He then slightly adverted to the subject of corn, and glanced at the advantages possessed by certain countries abroad, particularly France, for the growth of that article: and this he also thought a proper subject for inquiry. With respect to the corn committee, however, he wished to say, for himself, and he believed for the generality of the members who composed that committee, that no intention existed to move for a renewal of it this session. The question was then put on the noble earl's motion, as above, and the statement was ordered to be produced accordingly.

**NAVAL ADMINISTRATION.]** The Earl of Darnley, in calling the attention of the House again to this subject, and certain topics connected therewith, moved for the production of a variety of farther documents, which he deemed necessary for the due illustration of the whole; such as accounts of the naval force employed on the lakes of Canada; copy of the minutes of the court-martial held on captain Barclay, as far as relates to the same; the number of ships of war taken and destroyed during the war with America; copies of correspondence respecting the sale of certain frigates, which were sent out in frames to the river St. Lawrence; and lastly, for copies of petitions from British subjects, complaining that sufficient protection had not been afforded to the trade of the United Kingdom.

Viscount *Melville* seemed to entertain no objection to the production of the far greater part of the documents moved for by the noble earl, particularly such as related to the province of the admiralty; but a part of what was called for lay with the business of other departments.

The Earl of *Darnley*, in explanation, observed, that a considerable part of what he had moved for had been communicated to the House of Commons. The subject was one which he considered as of vital

importance to the country, and such as called for serious inquiry, notwithstanding the circumstance in which it now stood. He came forward merely from a sense of public duty, as he thought there was gross misconduct in the naval department, and in that view he thought every practicable information should be given. To any proper alteration in the wording of his motions on the part of the noble viscount, he had no objection. He then said he should bring the subject regularly under their lordships consideration on that day se'nnight, for which day he moved their lordships should be summoned.—Ordered.

**COURT MARTIAL ON COLONEL QUENTIN.]** The Earl of *Egremont* stated, that he had only refrained yesterday from calling the attention of the House to a notorious transaction which had arisen out of a late court martial, in the hope that some person more capable of doing justice to the subject would have taken it up. Being disappointed, however, in this expectation, he now thought it his duty to mention the matter without further delay. He should, indeed, have deferred what he had to say until he could submit a motion which it was his intention to bring forward on the subject, had he not felt that the very first opportunity ought to be seized, to call their lordships attention to the matter. Though the power of the crown in military matters was perhaps, in some respects, so absolute that it could hardly be considered as analogous to the spirit of the British constitution, yet he did not mean to find fault with it when it was fairly and openly exercised; but it was capable of being exercised in a way which would corrupt the very sources of justice. What were the circumstances of the case which had occasioned the transaction to which he alluded? A gentleman had been called upon on the part of the crown to stand forward as a prosecutor, and stood pledged to bring under the notice of parliament a case, which if any case could do it, was one that might have justified its interference, and what had happened in consequence was well known. He now spoke, not with a view to the past, but with reference to the future, and especially with reference to a court-martial now depending. With his impression of the importance of the matter, he could not help earnestly recommending it to ministers to take such measures as would prevent the

recurrence of such dangerous and mischievous examples. This was a duty imposed upon them by their situations, and one which demanded their most serious attention.

Viscount *Melville* said, that the subject to which the noble earl alluded had not escaped the attention of ministers, and he had now to inform the noble earl and their lordships, that ministers had taken such steps as the circumstances appeared to them to call for.

## HOUSE OF COMMONS.

*Friday, February 10.*

**BLEACHING POWDER.]** Mr. Finlay presented a Petition from Charles Tennant and Co. manufacturers of oxymuriat of lime, commonly called bleaching powder, at Glasgow, complaining of the want of those advantages arising from the drawback on salt, which the manufacturers of other bleaching materials possessed. The hon. member moved, that the several Acts be read by which this drawback was allowed, and also that, on Wednesday next, such part of the said Act as grants the drawback on salt, be referred for consideration and revision to a committee of the whole House.

Mr. *Lushington* opposed the proposition. During the last session he had brought in a Bill to impose contravening duties on the Irish manufacture connected with the present subject; but it had been afterwards represented by those concerned in Ireland, that the new duty imposed by far exceeded the alleged advantage which they were said to possess. A notice had last night been given, with the view of referring the whole matter to a committee up stairs. That would be the only proper mode of coming to a fair consideration of the English, Irish, and Scotch interests, which appeared at issue in the business. Let the House await their report, and then, with full information before them, decide upon the subject.

Mr. *Horner* thought the injustice which had been done to these original and undisputed inventors of the oxymuriat of lime, the superiority of which to other bleaching materials had been acknowledged, and which was universally used in Lancashire, Scotland, and Ireland, was so great, that it should be remedied without delay. In Ireland any person might manufacture the oxymuriat of lime in that kingdom, to supply the manufactures, duty free,

while the original inventors could not import it without paying duty.

Sir *J. Newport* said, that where manifest injustice was done by an Act, and where it had wrought great evil, there could be no question that it ought not to be suffered to exist during the session. The Act should not be suffered to increase its evil while they were deliberating upon the mode of altering it. The right hon. baronet contended that the proper course would be at once to annul the Act, and subsequently to consider what substitute they should adopt.

Mr. *Robinson* said, that so far as the question bent upon the claims of individuals, he had to state, in reply to what had fallen from the hon. and learned gentleman, that the invention was disputed by a company in Ireland; therefore a greater necessity existed for an inquiry by a select committee, who could do justice to all claiming participation in the invention.

Mr. *Finlay* said, that the petitioners were paying duties to a large extent, while other persons were paying no duty at all. He was perfectly satisfied that they were the inventors, and that they had been nearly ruined by the manufacturers in Ireland paying no duty. He contended that the measure which he proposed was only an act of common justice, and he trusted that the House would not refuse to adopt it.

The *Chancellor of the Exchequer* opposed the motion, on the ground that it was a select committee alone, which could thoroughly investigate the subject.

Lord *Archibald Hamilton* thought it the duty of the House to take the petition into their serious consideration.

Mr. *Pensonby* said, that the Bill which he brought in during the last session related to a different subject, consequently the repeal of that Act would not go to the root of the measure which the hon. member had in view. He would not say, however, that it might not be necessary to hear witnesses upon the subject. The hon. gentleman had proposed a select committee, and he had no objection to it.

Mr. *Lushington* said, that the motion of the hon. gentleman was to give the manufacturers a repeal of the duties upon drawback; but all parties should be put upon an equal footing. There were points upon which the Irish and Scotch manufacturers were at variance, and therefore he should move the previous question.

The *Speaker* said, that a member could not, in a second speech, move any amendment.

Mr. *Croker* then rose and moved the previous question, when strangers were ordered to withdraw.—The House, however, did not divide, and the previous question was carried.

BANK RESTRICTION BILL.] Mr. *Horner* rose and observed, that with respect to the renewal of the Bank Restriction Act, it was a novel and injurious mode of proceeding adopted by the right hon. the Chancellor of the Exchequer, to propose bringing a subject of so serious a nature before the attention of parliament without a longer notice than had been given. He understood that Monday next was appointed for the discussion of this important question; and as yet no papers connected with the subject, or any information whatever, was submitted to the House. It was, therefore, his intention to move for the production of such as would enable members to form some judgment on the state of the currency of the nation, and the issues made by the Bank of England. He conceived that an inquiry should be made into the funds of the Bank, to ascertain whether the Company would soon be capable of renewing their payment in cash. This was an inquiry in which the feelings of the public were deeply interested. But, independent of this, they should be made acquainted with the proceedings of the Bank; and although a day so early as Monday had been appointed for the purpose of considering the propriety of continuing the restriction, no papers, with the exception of one of a very inconsiderable nature, had as yet appeared on the table. How was it possible, that the House could form any accurate opinion relative to the matter? How could they learn the proceedings and conduct of the Bank for these last twelve months? The House had no accounts of the state of the Bank issues from March last to the present time, except of some particular day in November last, and there was an account presented in July for that particular time alone. It was to be remembered, that ever since the Bank restriction was under the consideration of the House, there had been a very strict watch kept over the Bank issues.

The *Chancellor of the Exchequer* rose to order, on the ground that there was no question before the House.

Mr. *Horner* said, that he had intended to conclude with a motion, as he stated when he begun. It was very hard, that while the House was to have such scarcity of information as to the affairs of the Bank, the Chancellor of the Exchequer should throw improper obstacles in the way, when he had endeavoured to give the House timely possession of that information. The hon. and learned gentleman concluded by moving, That the papers which he had yesterday moved for, relative to the Bank issues, should be laid before the House at its sitting on Monday.

The *Chancellor of the Exchequer* said, that so far from wishing to throw any obstacles in the way of the motion of the hon. and learned gentleman, he had intended to anticipate his wishes, by postponing the question for a few days, to give time for printing the papers in question. It was not the first time, however, that the hon. and learned gentleman had been dealt hardly with on the question of the Bank restriction, as all the facts which had happened since the time when that question was first agitated, had controverted the opinions of the hon. and learned gentleman.

Mr. *Tierney* wished to know what the Chancellor of the Exchequer would propose on Monday.

The *Chancellor of the Exchequer* said, that he should propose to adjourn the consideration of the Acts to Thursday next.

Mr. *Tierney* thought the postponement of the question would be of advantage, though he would wish not to be understood to say that further inquiry was not necessary.

Lord *A. Hamilton* thought a committee to inquire into the state of the Bank was necessary, before the House could agree to prolong the restriction.

Mr. *Manning* said, that no hesitation or backwardness would appear on the part of the governor and company of the Bank, to submit their accounts, expenditure, and issues, to the investigation of any persons appointed by the House for that purpose.

Mr. *Horner* disclaimed any intention of imputing backwardness to the Bank. His charge applied to the Chancellor of the Exchequer, who had placed the Bank in such circumstances as to justify the complaint which he felt it his duty to prefer, when it was announced by that right hon. gentleman, on the very first day the House met, that he intended, after a short

notice, to bring forward a measure of such magnitude, without having laid any information before the House. With a view to obtain some information on the subject, he was anxious that, on Monday, the papers to which his motion referred should be laid on the table.

The motion was then agreed to.

SIR JAMES DUFF.] Mr. *Whitbread* inquired whether the right hon. the Chancellor of the Exchequer was yet enabled to furnish the House with the information to which he adverted yesterday, with respect to the conduct of sir James Duff, on the subject of the Spanish fugitives surrendered at Gibraltar.

The *Chancellor of the Exchequer* replied, that papers were in preparation to be laid before the House upon this subject.

Mr. *H. Addington* observed, that the hon. gentleman had better make a motion respecting these papers.

Mr. *Whitbread* professed his incompetency to shape any motion, as he did not know the nature of the papers in preparation; but when these papers were produced, he should then be enabled to see whether any motion for farther documents would be necessary.

TRADE WITH MALTA.] The House having resolved itself into a committee on the several Acts already passed, relative to the Malta trade,

Mr. *Robinson* began by observing, that any person who would look at the geographical position of Malta, in the Mediterranean, would immediately perceive, that it was a place which might become of great importance in a commercial point of view, and that it possessed many advantages which ought not to be lost sight of. Those advantages, however, which it had possessed in time of war, would be lost in time of peace, if all the ports of France and Spain were to have commercial facilities which Malta was not to have. The principal object of the resolutions which he intended to propose, was to allow a direct intercourse between our colonies in the West Indies and Malta. This might appear to be a great deviation from the general principle which regulated our colonial trade. It must be recollected, however, that by an existing law, vessels laden with our colonial produce were permitted to go to any port in Europe, south of Cape Finisterre, on the condition of bringing back a cargo of

grain or flour. It was quite clear, that if the ports of France and Spain had an advantage which was not extended to Malta, that island could not compete with them in the Mediterranean trade. It was his intention, therefore, to propose that every article, the growth or produce of our West Indian colonies, might be exported directly in British vessels to Malta, from whence they might be distributed among the neighbouring countries. He wished also to do away with the restriction respecting a return cargo, and to allow the vessels, when they had discharged their cargoes, to sail wherever they thought proper. It might, however, be proper to restrain the importation into the West Indies of certain manufactures on the continent, which rivalled those of this country. With the exception of those, he wished an unrestrained intercourse between Malta and the West Indies. He was not at present aware of its being necessary for him to do more than give a general outline of the plan. If the committee should agree to his resolutions, the House would be afterwards able to consider the details at their leisure. He should wish that raw and thrown silk from the Mediterranean, as well as wines, should be freely imported into the West Indies. There was at present a small duty, payable to the Turkey company, on all goods imported into this country from the Levant. To this duty they were entitled by their charter, and it was but small. The Turkey company was an open company, of which any man might be a member for two or three pounds. It was not on the plan of a monopoly for the advantage of a few individuals; but out of those duties they paid the expenses of the necessary establishments in the Levant. Until very lately our ambassador at Constantinople was paid by the Turkey company, and the drogomen and many inferior officers were now paid. Such were the prejudices existing, that it was perhaps better that those expenses should be borne by the Turkey company, than by the government. He was happy to be able to state that the Levant trade was lately much on the increase. The hon. gentleman concluded by moving the following Resolutions:

1. " That it is expedient to permit sugar, coffee, cocoa, rum, indigo, fustic, and other dyeing woods, melasses, pimento, and other articles the produce of any of his Majesty's sugar colonies in



America, to be exported from the said colonies to the island of Malta, or dependencies thereof, in British-built ships.

2. "That it is expedient to permit any ship importing any such articles into the said island and dependencies, to export therefrom to any of his Majesty's sugar colonies in America, corn, grain, meal, or flour, mill-timber, fruit, brimstone, quick-silver, olive oil, wine, anchovies, sponges, cork, anniseed, and other articles, upon payment of the like duties as if imported directly from Great Britain.

3. "That it is expedient to permit any goods and commodities (not being prohibited), being the produce or manufacture of any country or place within the Levant seas, to be imported into Great Britain from the island of Malta in British-built ships, on payment of the same duties to the Turkey company, as if imported from the place of their growth or manufacture.

4. "That it is expedient to permit raw silk, or mohair yarn, the produce of any place within the dominions of the grand seignior, to be imported into the united kingdom by any person admitted into the Turkey company from the island of Malta, on payment of the like duties to the said company as if imported directly from Turkey.

5. "That wine imported into the said sugar colonies in America shall be liable to the payment of the like duties as are charged on wine imported directly from the island of Madeira into the said colonies.

6. "That it is expedient to permit thrown silk, the production of Italy, Sicily, or Naples, to be imported directly from the island of Malta into Great Britain, upon payment of the like duties as if imported directly by sea from the place of its production."

Mr. *Forbes* inquired whether it was intended to extend the principle of this arrangement to East India produce also?

Mr. *Robinson* replied, that no such extension would at present be proposed, because it was thought difficult to open Malta to the East India trade, without opening that trade to all other parts of Europe. Upon that point, therefore, a difference of opinion prevailed, which would probably give rise to considerable discussion; and from that consideration he avoided the point at present, confining himself to that arrangement only upon which no objection was anticipated. The hon. gentleman concluded with observing,

that his Resolutions applied merely to such articles as were at present prohibited to the trade of Malta.

The Resolutions were agreed to, and the Report was ordered to be brought up on Monday.

## HOUSE OF LORDS.

*Monday, February 13.*

CORN LAWS.] The Earl of *Hardwicke* rose to present a Petition from the town of Royston, praying the House to take into consideration the state of the Corn Laws. His lordship, in allusion to what had been stated on a former night by a noble earl (the earl of Lauderdale) observed, that although the opinion of the noble earl, that the corn committee should not be revived, seemed in contradiction with an expression in that report of the committee, yet subsequent events had given the matter a different aspect from that under which it was seen at the time when that report was agreed to. Much information was then wanting, but the great importation which had taken place decisively proved the necessity of some measure to protect the agriculture of the country without farther delay, and had rendered the revival of the committee on the corn laws superfluous. He was happy to understand that the subject was in the hands of the executive government; and as the matter was in their hands, it was not his intention to propose any Bill to the House. His lordship then presented a Petition from the landholders in the neighbourhood of Royston, complaining of their oppressed state, which they conceived to have arisen from their being open to the competition of the foreign corn-growers, who were not subject to tythes, and the heavy taxation under which the agriculturists of this country laboured.—The Petition was ordered to lie on the table, as were also two other Petitions presented by the noble earl on the same subject, one of which was from the landholders in the county of Berks.

Lord *Grenville* rose for the purpose of submitting to their lordships a motion in some degree connected with the petitions which had been presented by the noble earl. No man was more desirous than he was that the claims of those petitioners should receive due consideration. No man was more sensible of the difficulties under which they laboured: and if he had the misfortune of differing totally from

them as to the sources from which those difficulties had arisen, it was not from any insensibility to the magnitude of the distress which pressed upon the agriculturists of the country. He could not agree with the noble earl that no necessity existed for the renewal of the committee which had been occupied in the last session with the investigation of the subject of the corn laws. Although many persons had been examined before that committee, to explain the variation between the prices of foreign and British corn, yet the information on that branch of the question was very imperfect; and the evidence annexed to the report contained a very partial and limited view of the whole subject, and was not at all calculated to enable their lordships to proceed with confidence to legislate anew as to the means of subsistence of the country. It was incumbent on those who were of opinion that some measure was necessary, to lay before their lordships the ground on which that conviction was founded; but he should not interfere with the shape in which they wished to submit it to the House; if it should turn out to be satisfactory, it was enough; but he had not met with any thing which had at all varied the strong opinion which he had entertained last year, that the measure which for two years past had been proposed to parliament, was not only unjust, by shifting the weight from those who ought to bear it to those who ought not to bear it [hear, hear], but had a tendency to aggravate the evils under which the country suffered. The present was not the time to discuss the question, nor should he attempt to enter on it; and he had been induced thus early to express his opinion on the subject, from the apprehension which he had formerly entertained, and which was then stronger, that when argument might be supposed to have a weight there would be no time allowed for debate. The noble earl had expressed a satisfaction, in which he (lord G.) could not concur, when he had stated that the measure which had been hitherto unsuccessfully proposed was to receive the support of the executive government of the country. The measure would have been much better in other hands, and would have stood a better chance for fair discussion when proposed by an individual, than when brought forward, supported by all the influence which was attached to every measure proposed by the executive government.

At any rate, he hoped, if the measure was to be discussed, that it would not be brought forward when the noble lord on the woolsack, and one temporal and one spiritual lord composed that third part of the legislature, but at a time when it might receive that full consideration which a matter of such vital importance, as a law affecting the food of the community required, and which it would obtain in that House, if brought before their lordships at a time when attendance might be expected. He took no interest in the question, but that which as an Englishman he felt in the peace and welfare of the country; and he was convinced that if the measure in question was taken up by the executive government, they never had proposed a law more calculated to injure both. His lordship then moved for an account of the importation and exportation of grain between Great Britain and Ireland, in the several years from 1807 to the latest time to which they could be made up, according to the books of the customs in England and Ireland. His lordship then observed, that as on a former occasion, when accounts of the trade between the two islands had been presented, there had been a difference to an extent which could not be explained, between the accounts presented from the custom-house books of the two countries, the exports from one country not agreeing with the imports into the other, even making the due allowance for the non-arrival in one country, at the time when the accounts had been closed, of vessels which had sailed previously to the termination of the accounts in the other country; and as the same difference might still exist, he should move for the same accounts stated according to the books of the customs in Ireland.

The Earl of *Lauderdale* agreed that the present was not the moment for discussing the question of the corn laws, but as the subject affected not only the vital interests of the country, but also the feelings of a great class of the community, it was not proper that the sentiments of his noble friend should go forth from that House uncontradicted. He had last session agreed with the report of the committee that more information was necessary, as there was then no complete information as to the price at which foreign corn could come into competition with that of our agriculturists. But his noble friend was not justified in his statements, if he should assert that the report of the committee did

not contain a most important mass of information as to the state of the agriculture of the country, especially when connected with that which he believed had been communicated from the Commons, and which, at any rate, all their lordships must have seen. The principal deficiency was, as he had before said, as to the price of foreign corn; but the vast importations which had since taken place had removed all doubts on the subject, and an end was put to all speculations, by the notoriety of those importations. It had been argued by his noble friend as if the measure which had been proposed in the last session was a system of new laws on the importation of grain. On the contrary, it was the same as the regulations which from the time of king William to the beginning of the present reign had prevailed. It was, indeed, but a modification of the present law to the change of times and the increase of taxation. He was obliged to differ from his noble friend as to the conduct of the executive government in taking into their hands the proposed measure. While every other line in which capital could be employed had been regulated by their interference, were they to abstain from taking any part on so important a subject as that in question? He was glad to see that they intended to take up the subject, and he should have been sorry if they had stood by and saw a large class hanging as a dead weight on the community without making any exertion, and although he was not in the habit of supporting them, they should have his hearty concurrence on the present occasion.

Lord Grenville said, that his Majesty's ministers were fortunate in obtaining support so efficient as that of his noble friend in the cause which they had espoused. He had taken the opportunity of stating the opinion he entertained, and which, he feared, was opposite to the general opinion among their lordships, and he hoped that the fear of any man, or of any number of men, would never induce him to conceal his opinion, that the measure which was to be proposed was fraught with mischief to the community. But he had not meant to assert that the members of the executive government were to blame in forming or expressing an opinion on any proposed measure; but he lamented, that in favour of one of which he dreaded the effects, the persons who supported it were willing to add the influence which belonged to their official situations.

The motions were carried.

The Duke of *Norfolk* moved for the average price of corn in the maritime counties for the last three months. In moving it he observed, that, he believed, by law a power was vested in the privy council, when corn was at a certain price, to impose a duty on importation. He wished to know whether such power existed, and whether it was the intention of the government to exercise it?

The Earl of *Liverpool* said, there was no such discretionary power in the privy council, and it was the last species of power which his Majesty's government would wish to possess. When corn was under a certain price in the maritime districts, the duty would absolutely attach.

The Earl of *Lauderdale* observed, that the last six weeks was the period by the average of which the duty was regulated, the duty then remained for three months.

After a short conversation between the duke of Norfolk, the earl of Lauderdale, the earls of Harrowby and Hardwicke, lord Grenville and the Lord Chancellor, the motion was withdrawn for the purpose of being brought forward in a more correct shape.

TRIAL BY JURY IN SCOTLAND.] Earl Stanhope said, he esteemed himself fortunate in having been in that House on the last day of the last session, for he had then heard the most sensible and able speech from the noble and learned lord on the woolsack which he ever remembered, on the subject of introducing the trial by jury into Scotland. He had then given notice that he should some time this session bring the subject before the House. Before the last adjournment, the learned lord on the woolsack had introduced a Bill, of which he (Earl S.) was glad to learn the learned lord was not the author, it having been sent to him from Scotland. The author of that Bill seemed to be quite ignorant of the mode in which the trial by jury was carried on in England, and there was a great objection to the principle of the Bill, that the trial by jury was made optional, and that the jury were to decide on some matter of fact instead of giving a general verdict; and the judge was ordered to direct the jury as to points of law. The Bill which he (earl S.) had to propose, was of a plain and unambiguous nature. It introduced the trial by jury as it was in this country, with the institution of special verdicts. The gradual adoption of it he

provided for in this manner; that either party might for a certain number of years to come oblige the jury to find a special verdict, in order that any point might be carried up to be argued in the courts above. He saw no reason why a jury selected among the Scotch, the generality of whom were more enlightened than the English, were not well qualified to judge of those points of law which had always been tried by English juries. The noble earl concluded by presenting a Bill for introducing the trial by jury in civil cases in Scotland.

The Earl of *Lauderdale* observed upon the irregularity of this proceeding, there being already a Bill before the House for introducing trial by jury in civil cases into Scotland, which had neither been withdrawn, nor in any other way got rid of.

Earl *Stanhope* said, that the Bills were essentially different; the object of his Bill being to introduce the English trial by jury into Scotland, whilst that of the Bill sent up from Scotland, which had been introduced into the House by the noble and learned lord on the woolsack, was merely to introduce trial by jury in issues directed to be so tried.

The *Lord Chancellor* could wish the noble, and he might say the learned, lord to postpone the introduction of his Bill. It certainly would be necessary to introduce some alterations into the Bill, which he (the lord chancellor) had laid on the table before the recess. He would make those alterations himself, as the Bill by no means pleased him in its present shape. Let the noble earl hear it with those amendments, and then there would probably be less difficulty in attaining one common object, than by having two bills going through the House at the same time.

Earl *Stanhope* consented to withdraw his Bill.

## HOUSE OF COMMONS.

*Monday, February 13.*

PETITION FROM LONDON RESPECTING INSOLVENT DEBTORS.] The sheriffs of London presented at the bar, a Petition from the Lord Mayor, Aldermen, and Commons of the City of London in Common Council assembled; setting forth,

"That an Act was passed in the 53rd year of the reign of his present Majesty, intituled, 'An Act for the Relief of Insolvent Debtors in England;' and another  
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Act was passed in the last session of parliament to explain and amend the said Act; and that the petitioners, alarmed at the tendency of the said Acts, did, while the same were under consideration in the House, declare their objections thereto, and request the representatives for this city in parliament to oppose the passing of the same into a law; and that, since the passing of the said Acts, the apprehensions of the petitioners have been fully realized; and they have seen a door thereby opened to the most extensive frauds, highly injurious to national morals, destructive of those habits of industry, and of that good faith and mutual confidence, for which this country has been so long distinguished, and which has been one great cause of its commercial pre-eminence; and that, under the said Acts, however deceptively persons may have contracted debts, however extravagantly or profligately they may have dissipated the property so obtained, they are nevertheless enabled, after three months imprisonment, to gain their liberation upon assigning their effects for the benefit of their creditors, or even should they make it appear the whole is expended; and that, so long as they choose to continue living upon the property of their creditors, their creditors have no means whatever to compel them to make such assignment, and it very seldom occurs that any application is made for that purpose by the debtors while there is any property remaining; and that to give this option to debtors, and no means whatever to creditors to compel them to assign their effects, appears founded on the most manifest injustice, and must be attended with ruinous consequences; and that experience has shown that to oppose the liberation of debtors tends only to further loss and aggravation; for, however glaring their misconduct, very few instances occur where they do not finally succeed; and there is too much reason to apprehend that, in a very considerable number of cases, the grossest fraud and perjury is resorted to in order to deprive creditors of their just claims; and that to found expectations upon property which the debtor may subsequently acquire, appears entirely fallacious, scarcely an instance having occurred where such property has become available, and equally difficult is detection in cases of concealment; and that the fair traders feel themselves deeply aggrieved by the operation of the said



Acts, and it is manifest that they have not answered the purposes intended; and praying, that the said Acts may be repealed; but at the same time the petitioners cannot but express their readiness to concur in any measures tending to relieve unfortunate persons who may have fallen under embarrassments, which shall appear expedient to the House to be adopted."

Ordered to lie upon the table.

SIR JAMES DUFF]. Mr. Goulburn moved, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions, that there be laid before this House, copies of the Correspondence which has taken place between earl Bathurst and sir James Duff, relative to certain Spanish subjects who proceeded from Cadiz to Gibraltar in May 1814."

Mr. *Whitbread* observed, that the principal charge against sir James Duff, referred to his order to examine an English convoy at Cadiz, with a view to prevent certain Spaniards from availing themselves of that opportunity to escape from persecution.

Mr. *Goulburn* said, that from what he had heard, he was led to think, that the surrender of the fugitive Spaniards at Gibraltar, was the main object of the hon. gentleman, and therefore he had so framed his motion. But he had reason to believe that the papers to be produced, would comprehend every thing the hon. gentleman desired on the subject.

Mr. *Whitbread* remarked, that his observations upon the subject were made in the absence of the hon. gentleman on an important mission, on the conclusion of which he was ready to congratulate him. His animadversions and inquiry, however, on this subject, referred not only to the unjust and inhuman seizure of the Spaniards alluded to at Gibraltar, but to the equally unjust and inhuman endeavours of sir James Duff, at Cadiz, to prevent the escape of other Spaniards from the inquisitorial power of that most detestable government. [Hear! hear.]

The motion was agreed to.

CIVIL LIST AMENDMENT BILL.] On the motion of Mr. Bankes, the House went into a committee on the Bill to amend an Act made in the 52d year of his present Majesty, for making provision for the better support of his Majesty's house-

hold during the continuance of his Majesty's indisposition. The hon. gentleman stated, that the object of the Bill was, to provide that the accounts of the civil list should hereafter be made up to the 5th of January instead of as heretofore to the 5th of April; and he was not aware of any opposition to the proposed arrangement.

Mr. *Tierney*, adverting to the conversation which took place at an early period of the session on this subject, when he took occasion to observe, that it was highly expedient to have these accounts made up to the period mentioned in the Bill, regretted that this arrangement did not apply in any manner to the present year, in which there was notoriously an arrear, but was reserved for the next year, when there might be no arrear at all. For himself, he could not conceive the existence of any difficulty to the production of the civil list accounts, at least, at such an early period as would enable the House to inquire into and discuss the subject in due time. He could not, indeed, see any objection to their prompt production, for he had reason to believe, that they were ready to be laid before the House. In one department he happened to know that they were actually ready. Upon what ground, then, should their production be delayed, when that production would afford so much satisfaction. Perhaps the right hon. the Chancellor of the Exchequer was somewhat angry on a former occasion, at what he might consider his (Mr. Tierney's) pertinacity upon this subject, but now he hoped the right hon. gentleman was in better humour, and disposed to yield to his wishes by producing these accounts in due time. It must be obvious, that if they were not laid before the House until April, they were not likely to meet the attention they deserved from that House and the country. There would not be time to consider them or to move for further papers if thought necessary, until a very advanced period of the session, when other and very important subjects were likely to crowd upon the attention of the House. From these considerations, he hoped, that the right hon. gentleman would not object to a proposition for the speedy production of these accounts.

The *Chancellor of the Exchequer* declared, that he had no objection to the production of the accounts alluded to at the earliest possible period, and that he had no doubt

they would be ready before April. Indeed, he was led to hope, that he should be enabled to lay them before the House by the close of the present month. But the right hon. gentleman might make a motion on the subject if he thought proper.

Mr. *Tierney* said, that he should decline to make any motion, on the understanding from the right hon. gentleman, that these accounts would be brought forward with all convenient expedition. His only object was, that they should be laid before the House in due time, to render the subject fully intelligible to parliament and the country before Easter. Being on his legs, he took occasion to ask the right hon. gentleman, when the paper was likely to be laid before the House, with respect to the droits of the Admiralty, for which he had moved before Christmas?

Mr. *Whitbread* rose to ask a question which he conceived to be connected with the civil list accounts. He wished to know, whether an appointment had not just been made of a secretary of legation to Lisbon, with a salary of 1,200*l.* a year, in addition to the enormous grant already made to Mr. Canning, for which that right hon. gentleman had yet done nothing but deliver a brilliant speech to a deputation of the British factory? [A laugh.]

The *Chancellor of the Exchequer* replied, that he was not aware of any such appointment as the hon. member had alluded to.

Mr. *Whitbread* asked, whether the right hon. gentleman was prepared to say that no such appointment or nomination had taken place?

Here the chairman was proceeding to read the motion, but

Mr. *Whitbread* persisted in repeating his question, which he said he should press for the satisfaction of the House and the country, notwithstanding the hurry of the chairman, and the pertinacious silence of the right hon. gentleman, who seemed resolved to plead *ignoramus* to every question asked him.

The *Chancellor of the Exchequer* repeated that he was not aware of any such appointment.

Mr. *Whitbread* stated, that it was publicly rumoured, and by no means a secret, that a lord of the Admiralty had been appointed a secretary to the embassy to Lisbon, with a salary of 1,200*l.* a year.

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The motion was agreed to, the House resumed, and the Report was ordered to be brought up to-morrow.

CONGRESS AT VIENNA—TRANSFER OF GENOA, &c.] On the motion of the Chancellor of the Exchequer for postponing the committee of supply until Wednesday next,

Mr. *Whitbread* rose and said, that notwithstanding the declaration which had been made by the Chancellor of the Exchequer the other day, that he would answer no questions with respect to our foreign relations or negotiations, until the return of lord Castlereagh; yet it appeared to him of essential importance that the House and the public should be put in possession of information respecting the march of the negotiation, and the conduct of the British negociator, upon points which were vital to the honour of this country—vital to the interests of Europe. From the information which he had received, he could charge the noble lord with being a party, and making this country a party, in some of the disgraceful proceedings of the Congress at Vienna. He did not allude merely to the question of Saxony, but to transactions passing in other parts of Europe, transactions in which the character of this country and the character of our allies, had been deeply involved, and the future repose of the world most seriously endangered. At the time that Dresden and the other towns in Saxony were given up to the Prussian troops, by prince Repnin, on the part of Russia, ministers said that they did not know that lord Castlereagh was a party to that act, and that they did not believe that a British negociator could be a party to so disgraceful a transaction. He believed that he could now state with authority, from information that could not be contradicted, that lord Castlereagh was a party to that disgraceful act of prince Repnin, by which Saxony was delivered up to Prussian troops. Subsequently, however, lord Castlereagh had sent in a note against that very act to

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CONGRESS AT VIENNA—TRANSFER OF GENOA, &c.] On the motion of the Chancellor of the Exchequer for postponing the committee of supply until Wednesday next,

Mr. *Whitbread* rose and said, that notwithstanding the declaration which had been made by the Chancellor of the Exchequer the other day, that he would answer no questions with respect to our foreign relations or negotiations, until the return of lord Castlereagh; yet it appeared to him of essential importance that the House and the public should be put in possession of information respecting the march of the negotiation, and the conduct of the British negociator, upon points which were vital to the honour of this country—vital to the interests of Europe. From the information which he had received, he could charge the noble lord with being a party, and making this country a party, in some of the disgraceful proceedings of the Congress at Vienna. He did not allude merely to the question of Saxony, but to transactions passing in other parts of Europe, transactions in which the character of this country and the character of our allies, had been deeply involved, and the future repose of the world most seriously endangered. At the time that Dresden and the other towns in Saxony were given up to the Prussian troops, by prince Replin, on the part of Russia, ministers said that they did not know that lord Castlereagh was a party to that act, and that they did not believe that a British negociator could be a party to so disgraceful a transaction. He believed that he could now state with authority, from information that could not be contradicted, that lord Castlereagh was a party to that disgraceful act of prince Replin, by which Saxony was delivered up to Prussian troops. Subsequently, however, lord Castlereagh had sent in a note against that very act to



which he had been a party. Since the surrender of Saxony, ministers had not contradicted the fact of lord Castlereagh having been a party to this act of prince Repnin, although at the time they had denied it, and said it was impossible that any British negociator could be a party to so disgraceful a transaction. He had reason to believe that it was in consequence of the public feeling manifested in this country, that ministers had sent over instructions to lord Castlereagh to present to the Congress a note, protesting against that act to which he himself had been a party. Such had been the march of the negotiation on the part of the British representative at the Congress. He should not now presume to put a question on this subject to those gentlemen who had already declared that they would answer nothing until the return of lord Castlereagh. He should not expect them to return any answer on the subject; but he stated this to be the case, and unless it was formally contradicted, there was no person who would not believe it to be true. There were other things, also, which had happened, equally disgraceful to the character of this country. It was curious to see the line of conduct adopted by ministers, who resolved to wait for the return of the noble lord before they opened their mouths. They resolved to sit in silence, while they knew that public documents existed by which certain mutations of states had been made and irrevocably fixed. Amongst the rest, the most unparralleled and unjustifiable act was the giving up of Genoa to the king of Sardinia. If the House could recollect the treaty signed by the allied powers, on their entrance into Paris, and also not forget the principle on which we had been engaged in the horrid and bloody war of the last twenty years, as well as the arguments used at all times against the despotism of the late French ruler, but more particularly when he annexed to his dominions, without the least formality, the territories of independent states, it could not be without feelings of shame, remorse, and disgust, that we could hear what the allies were doing in their most unholy Congress at Vienna.

The course of proceeding pursued with regard to Italy, under the sanction of Congress, was but too apparent. It was well known, that lord William Bentinck when he first entered Tuscany had carried the words, "Italian independence," upon his

banners, and had called upon the people to stand forward in support of their unalienable rights, to fight for their holy religion, their constitution and independence. He would read the proclamation which his lordship issued on that occasion, that the House might see how these people had been treated, and how they had been betrayed. Mr. Whitbread here read the following proclamation, dated Leghorn, the 14th of March, 1814:

"Italians—Great Britain has landed her troops on your shores; she holds out her hand to you to free you from the iron yoke of Buonaparté.

"Portugal, Spain, Sicily, and Holland, can attest the liberal and disinterested principles which animate that power.

"Spain, by her firm resolution, her valour, with the assistance of her allies, has succeeded in a great undertaking.

"The French have been driven from her territories—her independence is secured—her civil liberty is established.

"Sicily, protected by this power, has succeeded in saving herself from the universal deluge, from which she has suffered nothing, owing to the benevolent disposition of her prince; drawn from slavery to liberty, she hastens to resume her former splendour among independent nations.

"Holland hastens to accomplish the same end.

"Will Italy then remain alone under the yoke?

"The Italians only will fight against Italians, to support a tyrant, and to enslave their country.

"Italians, hesitate no longer—you are Italians—and thou more especially, Italian army, reflect that the great cause of thy country is in thy hand!

"Warriors of Italy, you are not asked to come to us, but you are asked to assert your rights and your liberty.

"Call us, and we will hasten to you, and then, our forces joined, will effect that Italy may become what in the best times she was, and what Spain now is.

"W. BENTINCK,  
"Commander in Chief of the British troops."

If such were the hopes and the prospects which we held out to the Italians, how miserably have they been disappointed! But it was not merely this general proclamation to the Italians that had been violated; there was another proclamation to the people of Genoa, in

which they were expressly promised their independence, and their former government. Lord William Bentinck had even proceeded to the appointment of their two colleges and their two councils, for the express purpose of the complete restoration of their former government. This second proclamation was dated the 26th of April, 1814, and was couched in the following terms :

"The forces of his Britannic Majesty under my command, having driven the French from the territory of Genoa, it is become necessary to provide for the maintenance of good order, and the government of this state. Considering that the universal desire of the Genoese nation appears to be to return to that ancient government under which it enjoyed liberty, prosperity, and independence ; considering also that this desire seems to be conformable to the principles acknowledged by the high allied powers to restore to all their ancient rights and privileges ;

"I DECLARE,

"1st. That the constitution of the Genoese states, which existed in the year 1797, with those modifications which the general voice, the public good, and the spirit of the original constitution of 1576 seem to require, is re-established.

"2d. That the organic modifications, together with the manner of forming the list of the eligible citizens, and the minor and major councils shall be published as soon as possible.

"3rd. That a provisional government, consisting of 13 persons, and formed into two colleges as at first, shall be nominated immediately, and shall hold their charge till January 1, 1815, when the two classes shall be comprised in the number prescribed by the constitution.

"4th. That the provisional government shall assume and exercise the legislative and executive powers of the state, and shall settle a temporary system, either continuing and modifying the existing laws, or re-establishing and modifying ancient laws, in the manner which shall seem to them expedient for the good of the state, and the security of the persons and property of the citizens.

"5th. That two-thirds of the minor and major councils be nominated immediately, the others to be elected according to the form of the constitution, when the list of the eligible citizens shall be made out.

"6th. The two colleges shall propose to the two councils above named, according to the constitution, all the measures they may think necessary for the complete re-establishment of the ancient form of government.

"And, in fulfilment of this, I declare, by this present proclamation, that the signor —, and the signori —, senators, are elected to form the provisional government of the Genoese state ; and I invite and order all the inhabitants of every class and condition to lend their aid and obedience.

"W. C. BENTINCK,

"Commander in Chief.

"Dated, Head-Quarters, 26 April, 1814."

If ever there was a public declaration by which a government had pledged itself to maintain the independence of another state, the British government had become by this instrument the guarantee of Genoese independence. Let the House however look at the sequel. Five days before the arrival of the period at which the people of Genoa looked for the ratification of their liberties, they receive the black and inhuman mandate which informed them, that their constitution was not to be restored, that their rights and happiness were not to be consulted, that their former splendour was not to be revived, and that the faith and honour of this country was not to be regarded. On the 26th of December, 1814, the fatal intelligence was published to them, that all the promises in which they had hitherto trusted, and all the professions which they had hitherto believed, were alike hollow and delusive ; that those who had so loudly proclaimed that the march of the late despotism was traced in blood, were themselves treading in the same footsteps, and that Genoa was to become the victim of their lawless usurpations. It was then that the protocol of the proceedings at Vienna was made known to them ; and the established authorities, with indignation, but not with fear, pointed out to their countrymen by proclamation the necessity of submission.—Mr. Whitbread here read the following Address of the governors and procurators of Genoa announcing the annexation of that Republic to Sardinia :

"Informed that the Congress of Vienna has disposed of our country, uniting it to the states of his majesty the king of Sardinia, and resolved on the one hand not to yield our indisputable rights, on the other, not to adopt useless or fatal mea-

asures, we resign an authority conferred on us by the confidence of the nation, and approved by the principal powers.

"All has been done without hesitation and without reserve, that a government guided by justice and reason could do for the rights and restoration of its people. Our consciences attest it, and the most remote countries know it.

"Nothing now remains for us to do, but to recommend to the municipal, the administrative, and judicial authorities, the just exercise of their functions;—to the succeeding government the care of the troops which we had begun to form, and of those who had served with loyalty.

"To all the people of Genoa we recommend tranquillity, than which nothing is more necessary to the welfare of nations.

"We carry with us into our retirement a profound sentiment of gratitude towards the illustrious general who knew the limits of victory, and a perfect confidence that Divine Providence will never abandon the Genoese.

"From the Palace of Genoa,  
"Dec. 26, 1814."

Such was the proclamation issued by the procurators and executive officers of Genoa, on the 26th of December, five days before the period at which the solemn word of a British general (which word the Genoese government yet forbore to impeach), involving the word and faith of the British government, had guaranteed to that unhappy people the restoration of their former government, and the security of their ancient independence. The Congress of Vienna, instead of re-establishing their rights, had however adjudged them to be slaves. General Dalrymple, who then commanded at Genoa, published on the 28th another proclamation, announcing the melancholy fact, in these words :

"The provisional government appointed by his excellency lord William Bentinck, on the 26th of April last, having delivered its authority into my hands, I hasten publicly to declare, that it has constantly laboured towards the welfare and happiness of its citizens.

"Having received orders from his royal highness the Prince Regent of Great Britain, to restore the government of the Genoese states to the authority which shall be appointed by his majesty the king of Sardinia, conformably to the decision of the Congress of Vienna, in virtue of which the states of Genoa are placed under the

dominion of his Sardinian majesty, I order, that all the inhabitants of the Genoese states shall obey the existing administrative, municipal, and judicial authorities, until the will of the king of Sardinia is made known to me.

"I do not doubt that the order and harmony which reigned among all classes of the citizens during my residence among them, will be maintained under this change; and it is with real pleasure that I pronounce a future prosperity to this country, guaranteed by the privileges which have been preserved by the act of cession, and by the paternal government of a king, whose only care is to insure the happiness of his beloved subjects.

"J. P. DALRYMPLE, Commander of the British forces in the States of Genoa.

"Genoa, Dec. 27, 1814."

Here was no misconduct, then, imputed by any party to the former Genoese government, no pretence of any justification of this kind offered. Every former tyranny, either despotic or revolutionary, had deemed it necessary to colour its aggressions by some pretext of that description. No alleged grievances were held up to the people as inviting them to accept the precious boon of fraternity, or, as it would perhaps be called in this instance, of pater-nity, from their invaders. In this very proclamation, general Dalrymple did not attempt to tell the Genoese that their government was a bad one, or that they were unhappy under it. No; on the contrary, he dwelt upon its excellence, and commended the regular and correct behaviour of the inhabitants, and yet, coupled with that admission, they were told that they had been consigned over to the crown of Sardinia. Was there ever any conduct so disgraceful and unfeeling! And under what authority did general Dalrymple act? By the orders of his royal highness the Prince Regent of Great Britain. He wished to see the detestable mandate that thus empowered general Dalrymple; he wished to know in what words it was couched; he wished to know by whom the Prince Regent had been advised to issue an order for overthrowing the independence of an ancient and a free state; and by whom it was signed. After the disclosure of facts like these, ministers might if they pleased continue in their threatened silence; they might still wait till the return of lord Castlereagh, and the House might be forced to wait for the same event, before it could

know whether there was such a document in the Foreign-office; but he would venture to affirm that not all the powers on earth assembled in Congress had the legitimate right to place Genoa under the dominion of Sardinia; and he hoped the people of Europe would assert their rights against a combination of usurping powers, as they had lately successfully done against a single power which aimed at universal dominion. What! was the country in which the palladium of liberty was supposed to have remained inviolate, that had been described as the ark of a deluged universe, to be made a party to the extinction of an independent power, and to the compulsory transfer of a free people to a government equally imbecile and corrupt, alike unable to protect, conciliate, or control its subjects! He trusted that public opinion would be in unison with his own, that neither this nor any other congress had power so to trample on the liberties of mankind, and that there yet remained feeling and spirit enough to animate them to unite against any combination of usurping powers, and free themselves from a yoke as overwhelming, now that it was imposed by many, as when it was established by one. What a satire was general Dalrymple's compliment to the late Genoese government on the conduct of his own! and how galling must it have been to the Genoese people to hear mention made of future guarantees to be entered into by the king of Sardinia, in the same document which recorded the violation of a solemn guarantee, involving all that was dear and sacred to them, on the part of this country! Could the right hon. gentlemen opposite deny any of these things? Would they, if they had it in their power to contradict them, suffer the imputation of transactions so odious, so disgusting, so unjust, to rest longer upon them? Let the shame lie where it ought to lie, and perhaps a greater palliation for such atrocities would be found in a shameful silence than in a shameless defence.

But he would wish gentlemen to consider what was likely to be the effect of the conduct of the Congress, when the intelligence should spread itself throughout Italy. The Genoese had received the news of their transfer with that sullen despair which wanted no outward exhibition to betray itself. It was a prominent feature of the Italian character to be sullen under an injury which was deeply felt, and to wait for the moment of revenge. What

other line of conduct could be expected from them? What barrier could be interposed when all the principles of justice were at once broken down? Nothing but slow and sure revenge. No exclamations, no menaces, no indignation had escaped them; they heard their fate in silence—a silence which proved that they only waited for the opportunity of avenging themselves; and he sincerely hoped they would be able to do so. The conduct of Austria in Italy had been most extraordinary. She took possession of that country conditionally, in consequence of a stipulation entered into with Eugene Beauharnois, the late viceroy. This person was esteemed by the Italians, and always spoken of by them with respect; for besides his high military fame, he had acquired a character amongst them for independence, honour, and fidelity; and they believed he never would have been induced so to falsify the word he had given to the Italians as it had been falsified when he left the Northern parts of Italy to be occupied by the Austrians. The capital of these states was taken possession of by general Bellegarde, in the name of the allies, not in the name of Austria. But what had been the conduct of Austria towards this very Sardinia? She had even marched garrisons into Florence, which the weakness of Sardinia obliged her to give up. What was the intention of the allied powers? Only that Austria should hold certain possessions in Italy, as a security till the general affairs of the Congress were arranged, and that then she should restore them. But Austria had taken possession of them in full propriety, particularly of the Venetian states, thereby extinguishing one great independent republic. She had also taken possession, in sovereignty, of the independent republic of Lucca, without the miserable pretext of former unjust possession. She had threatened to take possession of the citadel of Turin, and had claimed the right to send a garrison into that fortress; thus grossly insulting the feeble power to which the ancient and once haughty republic of Genoa had been traitorously consigned. And let it be recollected, that while all this was going on, we were keeping up or paying for an army of 75,000 men on the continent, for the purpose of protecting the minor states, in order that no interloper might come into them before his time. Yet, while we were paying this army for such a purpose, Austria had taken possession of the states



enumerated without any right at all; and had accompanied her authority with her usual system of exactions, contributions, and imposts. The Austrian government, it was well known, was always disliked in Italy, but now it was detested. And having rioted in injustice, she was haunted with all that suspicious jealousy incident to despotic usurpation. Every Italian who ventured to breathe a wish that the allied powers had been true to their plighted faith—every man who dared to express a thought, that after such a night of despotism, the promised day would have shone upon them, had been arrested. From all quarters of Northern Italy the victims of Austrian injustice had been gathered within the dungeons of that baneful power. A conspiracy had been invented for the purpose of accusing obnoxious persons, falsely presumed criminal, who were to be summoned before a tribunal incompetent to their trial. Against such a tribunal, so constituted, the civilized world ought to protest; and little as he thought of the energy, exertion, or capacity, of the members of the cabinet now remaining at home—diminished as he conceived the influence of the British government on the continent to be, he trusted they would exert themselves to prevent the scandal of the mock trial which was announced, of the victims of Austria, now immured in her dungeons, and to avert the horrible catastrophe to which they are destined. The last act of this power, contrary to good faith, had been the withdrawing of the Italian regiments over the mountains into Germany; but on their arrival what was their condition? They were found to be mere skeletons. Such conduct altogether he hoped every man breathing would protest against, as being, morally, most unjust and inhuman, and politically speaking, the most scandalous and disgraceful policy that could be adopted. He hoped there would be still found feeling enough in the British cabinet to protest against the whole of the proceedings that had taken place towards Saxony and Italy; and he would implore this government to interfere in behalf of those persons who were to be brought to trial in Italy.

There was another subject on which he must say a few words. Before the recess, he had repeated some questions, which he thought would have extracted an answer. They regarded the state of the Low Countries, the expense of putting the fortresses into repair, and the forming of en-

trenched camps between those fortresses. It seemed that all these preparations were for the advantage and security of the prince of Orange. He wished to ask the gentlemen opposite, whether they knew of any considerable movement of Prussian troops in that direction; and in consequence, that that country which was to be preserved from the inroads of France, and protected against her, was open to the incursions of an opposite neighbour? For what purpose were Prussian troops marching towards Belgium? He hoped, if that country was to be finally delivered to Holland, that the government would act in direct opposition to that of Austria in regard to Italy, and would learn, that the strength of a state did not consist in the number of its muskets, its cannon, and its fortresses, but in the loyalty and affection of its people. If the present was the time for Belgium to become Dutch, and permanently to remain so, he should be glad to see, that instead of fortresses, there would be given to the people a constitution, political rights, and something worth fighting for. This would be of more value to them than all the money we might expend amongst them, and all the fortresses we might build for them; which, assuredly, would not protect them against invasion more than a very few years. He knew not whether what he had said would call forth any reply from ministers: he did not anticipate that it would; but if what he had asserted remained uncontradicted, he should continue to believe his information correct, and in the eyes of the world, they themselves would be considered as adopting it. [Hear, hear! from the ministerial side of the House.]

The *Chancellor of the Exchequer* said, that on the justice and propriety of the course taken by the hon. gentleman, he should give no opinion, but leave it to the judgment of the House. Such conduct, however, he considered to be utterly novel, and unheard of before in parliamentary proceedings. It had never been customary to bring a direct charge against any member without giving the party notice of such intention, that he might appear in his place to repel it if he could. The hon. gentleman had said he did not expect an answer to the questions he had put, and in this he would certainly not be disappointed. He thought it much better to leave them wholly unanswered, than to communicate partial information, when it was probable that in a short time fuller

explanations might be obtained than could now be given.

Mr. Ponsonby contended that the right hon. gentleman could not be ignorant about certain facts which had been mentioned by his hon. friend, though he might not choose to say any thing upon them; and if so, would not every one conclude, that he could not contradict and could not justify them. Was the paper issued by general Dalrymple authentic or not? Was it true that the transfer of Genoa to Sardinia was with the sanction of this country? Mr. Speaker, continued the right hon. gentleman, I wish you would cast your eyes upon that bench, and say if there is a single person sitting there who dares contradict what has been asserted? and if you do cast your eyes upon them, I should be glad to know what your opinions are—whether you most pity or condemn them? [Hear, and laughter.] He had nothing more to say; the transactions beggared all description; and he was sure there was not a man in the kingdom that ever expected to see the name of England so disgraced.

Mr. Whibread, in reply to the Chancellor of the Exchequer, said that he had charged lord Castlereagh as a member of the government; and the government who sent out such directions to him ought to be arraigned before the tribunal of the world. He arraigned them as sending out contradictory instructions to lord Castlereagh—as being a party to the spoliation of Saxony—as being a party to the dismemberment of Italy. The hon. member was proceeding to touch upon some other topics, when he was called to order; and the Speaker reminded him that he could enter only into an explanation.

Lord Proby rose to ask a question, in which he conceived the country was much interested. He was sure that the public must feel extremely indignant, should they find that English officers and English money were employed in carrying on the present atrocious enormities of the government of Spain. But he had very strong reasons to believe that there were many English officers in the Spanish employment, and that they were paid by English money. He, however, wished not to give entire credit to what he had heard on this subject till he should have the answer of the right hon. the Chancellor of the Exchequer, who, he hoped, would not observe his usual taciturnity on this occasion. His question was, whether

there were any, and how many British officers in Spain, and if there were, whether they were paid any British money, and how much?

The Chancellor of the Exchequer said, that he had no objection to the noble lord's moving for an account of any English officers serving in Spain, and any English money paid to them, when of course he would obtain the object of his question. There might be a few British general officers in Spain, who, of course were in the British pay; but he was not prepared to give any further answer.

Lord Proby shortly after moved for a return of the names of any British officers now serving in the Spanish army, together with an account of the pay and appointment received by them from this country, so far as the same could be made out.

Mr. Tierney wished to know whether it was the intention of ministers to lay the treaty of Chaumont upon the table? The substance of that treaty had already been communicated to the House; but it was of so much importance to know the precise wording of the articles, that he hoped they would not be withheld. On a former occasion, an objection to producing the treaty was stated to exist, in its ratification not having been exchanged.

The Chancellor of the Exchequer said, there was not the slightest wish on the part of the government to withhold the treaty in question; but that he believed all the necessary documents had not yet arrived in this country.

## HOUSE OF COMMONS.

Tuesday, February 14.

### BILL FOR ABOLISHING GAOL FEES.]

Mr. Bennet moved for leave to bring in a Bill for the abolition of gaol and other fees connected with the gaols in Great Britain. The hon. gentleman observed, that in the Bill he should submit to the consideration of the House, he had omitted, or modified those clauses, which formed the principal ground of objection to the measure he had introduced last session. That a measure of this nature was necessary, he was more and more convinced from all that he had been able to collect upon the subject. Indeed, from his own personal observation in the course of a pretty extensive tour which he had lately taken, he could entertain no doubt that the fees and other exactions complained

of in our prisons, was one of the greatest practical evils which justice and humanity had to deplore in this country.

Sir *James Shaw* wished to know, whether the hon. gentleman meant to include all the gaols of Great Britain, within the provisions of the Bill. And, if he meant to make no exceptions, whether it was intended to indemnify the city of London to the amount of the fees at present received by its officers, which must necessarily be made up to them?

Mr. *Bennet* replied, that it was his intention to comprehend all the gaols, excepting only those of the King's-bench, the Fleet, and the Marshalsea, which were under the direction of the superior courts of law; but even with respect to these prisons, he had it in contemplation to propose the appointment of a committee, to inquire into their state and conduct, especially upon the subject of fees.

Sir *James Shaw* thought it would be more expedient to postpone the introduction of any bill on this subject, until the committee, the hon. gentleman had in contemplation, should have made its report, because on such report the measure might be rendered more comprehensive. Should the Bill pass in the shape now proposed, the hon. member must be aware, that any prisoner in the gaols meant to be excepted, might by Habeas Corpus have himself removed to the city prison, and so contrive to escape the payment of fees, while he would also become entitled to certain allowances. Thus the city of London might become liable to an additional incumbrance.

Mr. *Bennet* said, he had very maturely considered the subject, and felt it his duty to persist in his Bill.

Leave was then given to bring in the Bill.

CORN LAWS.] Mr. *Robinson* gave notice that he should on Friday next bring forward certain propositions with respect to the Corn Laws; and the hon. member subsequently moved, That the House should on Friday resolve into a committee to consider of the state of the Corn Laws.

Lord *A. Hamilton* asked, whether the hon. member meant to propose a bill upon this subject, or to move certain resolutions?

Mr. *Robinson* apprehended that it would be contrary to the regular course of proceeding to move for a bill at once; therefore his intention was, in the first instance to propose certain resolutions. He then

moved, That there be laid before the House accounts of the quantity of grain, meal, and flour, imported into Great Britain from foreign countries, and also from Ireland, distinguishing the quantity from each country; and also of the quantity exported, stating to what country, from the 5th of January, 1814, to the 5th of January, 1815.—The said accounts were ordered.

Upon the motion of Mr. *Horner* it was ordered, after a short conversation with that gentleman and Messrs. *Rose*, *Robinson*, and *Lockhart*, that accounts should be presented of the grain, meal, and flour, exported and imported from the last date in Mr. *Robinson's* motion, up to the latest period at which the same could be made out, and also of the quantity of foreign corn warehoused in the ports of London, Liverpool, Hull, Bristol, Newcastle, Glasgow, and Leith, up to the latest period at which the same could be made out.

FURTHER PAPERS RELATING TO SPANISH SUBJECTS SENT FROM GIBRALTAR TO CADIZ.\*] Mr. *Frederick Robinson* presented to the House, pursuant to their Address to the Prince Regent, the following Papers:

FURTHER PAPERS RELATING TO PERSONS SENT FROM GIBRALTAR TO CADIZ.

No. 1.—Copy of a DISPATCH from earl Bathurst to sir *James Duff*; dated Foreign Office, Nov. 29th, 1814.

"Sir; It having been represented to his Majesty's government, that you have directed the masters of all British merchant vessels touching at Cadiz, not to depart from that port with any Spanish subjects on board, unless such Spanish subjects should be provided with your passport, or with one from the government of Spain; I am to request that you will acquaint me how far this is founded on fact; and by the same opportunity I desire that you will report to me, for the information of his Majesty's government, the steps that you were induced to take, during last summer, respecting the Spanish subjects who had taken refuge in Gibraltar, and whom you desired the lieutenant-governor not to suffer to remain in that garrison. BATHURST."

No. 2.—Copy of a DISPATCH from sir *James Duff* to earl Bathurst; dated Cadiz, Dec. 23d, 1814.

\* For the former Papers, see p. 597.

"My lord; I have this post received, *via* Madrid, your lordship's dispatch of the 29th November. In compliance with the commands your lordship is therein pleased to signify to me, from his Majesty's government, I beg leave to represent to your lordship ;

"That, in virtue of the orders of his Majesty's government, [Vide Appendix below,] it has been the practice at this port, since June 1813, to allow no aliens to go passengers in British merchant vessels or packets, to any of his Majesty's dominions, unless provided with proper passports, sanctioned by his Majesty's ambassador whilst he resided there, and since then by me ; and that, to prevent the possibility of any evasion, British subjects were requested to conform to that regulation, which is still continued ; and I should add, that, for a long time past, in virtue, no doubt, of orders to that effect, no bills of health are issued at this port to any persons going passengers in British vessels, to whatever destination it may be, without producing a certificate from this office of their having exhibited their respective passports ; and which is the case with all the other foreign consuls. Under such circumstances, and at the request of the governor of this city, I renewed that order ; which always comprehended Spanish subjects, as well as every other foreigner ; and I did so in the persuasion it would not be disapproved.

"And in further obedience to said commands, I have the honour to state to your lordship, that in May last, I acquainted the commander of his Majesty's troops at Gibraltar, that certain persons, whose names and public characters I indicated, were about to pass to that garrison ; and that I was induced to do so, from zeal for his Majesty's service, those persons having generally shown themselves the declared enemies of Great Britain, and of the British name. I trust this exposition may be satisfactory to his Majesty's government ; and that your lordship will be convinced that I have in that, as in every other case, acted for the best. I have the honour to be, &c. JAMES DUFF."

(Appendix : Enclosure No. 2.) Copy of a Letter from J. H. Addington, esq. to Edward Cooke, esq. dated Whitehall, 4th May 1813.

"Sir ; In order to prevent, as far as may be practicable, the introduction from the continent, of aliens of suspicious cha-

racter into this country and its dependencies, it appears to lord Sidmouth desirable, that instructions should be given to his Majesty's ministers at foreign courts, and to the British consuls and agents on the continent, to require, that such persons as may propose to embark for any part of the British dominions, should, in the first instance, apply to them to be furnished with passports for that purpose ; and his lordship is also of opinion that, in all cases, when either the character of the person applying for such passport, or the object which he has in view, may be objectionable, it would be expedient to refuse it. As such a measure might be attended with advantage to the public service, it appears to his lordship, that steps should without delay be taken by his Majesty's ministers and consuls abroad to make this regulation known in the most public manner ; in order that it may be observed, and executed with the least inconvenience to the parties to whom it is to be applied.

"Lord Sidmouth has further directed me to request, that you will submit these suggestions to lord Castlereagh, and move his lordship, if they should meet with his concurrence, to give the necessary instructions accordingly. I am, &c.

"J. H. ADDINGTON."

[N. B.—A printed copy of this Letter was forwarded on the 6th of May 1813, from the Foreign Office, to all his Majesty's consuls in foreign countries, for their guidance.]

No. 3.—Copy of a DISPATCH from sir James Duff to earl Bathurst ; dated Cadiz, December 27th, 1814 : With seven Enclosures.

"My lord ; I had the honour to address your lordship last post, the 23d instant, in answer to your letter of the 29th November ; and in support of what, in obedience to your commands, I had then the honour to state, I wait on your lordship now with copies of the correspondence between the civil secretary at Gibraltar and me, in May last, for the further information of his Majesty's government ; and I shall be happy to know, that my conduct in that instance may meet its sanction. I have the honour to be, &c. JAMES DUFF."

(Enclosure No. 1.)—Copy of a DISPATCH from sir James Duff to Mr. Stedman ; dated Cadiz, May 16th, 1814.



" Sir ; I beg to acquaint his excellency the commanding officer, under due reserve, that the following persons have either left, or are about to leave this, for Gibraltar, in consequence of the late change of politics ; that his excellency, informed of their principles, may decide what he may judge best, with respect to their residence in the garrison :

" Don Miguel Cabrera, the author of several publications, inserted in the ' Duende,' against the king of Spain, and of a very late one, exciting the inhabitants of this city to revolt against the governor and civil authorities, &c.

" Don Antonio Puigblanc, the author of the ' Inquisicion sin Mascara,' and of various other papers, and a friend and companion of the former ; these two persons are provided with a passport from general Valdes endorsed by me.

" Lopez, the author of the ' Duende,' the paper in which the repeated calumnies against the British troops on their entrance into St. Sebastian, and of many other scurrilous productions, appeared.

" Correa, formerly an officer in the Spanish service, the author of similar publications, and supporter of the ' Duende,' &c.—And it is probable they may be followed by other persons of the same description. I have the honour to be, &c.

" JAMES DUFF,"

(Enclosure No. 2) Copy.—Secret.

Gibraltar, 19th May, 1814.

" Sir ; I had the honour to receive your letter of the 16th last night, and immediately laid it before the commander of the forces, who promptly issued orders for the apprehension of the persons named ; and I am happy to inform you that in less than two hours Don Antonio Puigblanc and Diego Correa were made prisoners. I request therefore that you will have the goodness to communicate the same to the governor at Cadiz, and to beg that persons duly authorized may be sent to receive them into their custody ; or if it should not be the wish of the Spanish government to detain them, the commander of the forces will forthwith exclude them from the garrison. The commander of the forces is anxious however for a speedy decision. I have received some information relative to Lopez and Don Miguel Cabrera ; and if they are here, I trust they will soon be discovered. I am to inform you that measures are taken to discover and apprehend any other persons of a

similar description. I have the honour to be, &c.

J. STEDMAN, Secretary.

" Sir James Duff, &c. &c. Cadiz."

(Copy Enclosure No. 3.) Secretary's Office, Gibraltar, May 19th, 1814.

" Sir ; I am directed by the commanders of the forces to inform you, that in compliance with your request, he has given directions that the two Spanish subjects, Puigblanc and Correa, shall be delivered up to you. They were arrested last night, having entered this garrison under fictitious names ; and not having given a satisfactory account of themselves this morning, the commander of the forces has not thought it proper to release till now, when he considers you responsible for their future conduct in the garrison. The general thinks it right to inform you, that he dispatched a letter this morning, informing the government of your country that Puigblanc and Correa are in custody here. Puigblanc is the author of the ' Inquisicion sin Mascara,' and of many other papers. Correa was formerly an officer in the Spanish army, and is the author of many scurrilous publications, and also the supporter of the ' Duende.' I have, &c.

J. STEDMAN, Civil Sec.

" Don A. F. de Urrutia, Spanish Consul, &c. &c. &c."

(Enclosure No. 4.) Translation of a LETTER from Senor A. F. de Urrutia, Spanish Consul at Gibraltar, to the Lieutenant Governor of that Fortress ; dated Gibraltar, May 9th, 1814.

" Most Excellent Sir ; Having learnt that two Spaniards, of the names of Puigblanc and Correa, are in custody at the main guard, I feel it to be my duty, to entreat your excellency to acquaint me if they have committed any fault ; in which case I request you will have the goodness to deliver them up to me, that they may be sent to Spain, in order to receive the punishment which they may deserve. I have, &c.

P. A. F. de URRUTIA,

" Spanish Consul."

(Enclosure No. 5.) Copy.—Secret.

Cadiz, 24th May, 1814.

" Sir ; I have received the honour of your letter of the 19th instant, and have communicated the same to the captain general, who expresses himself much indebted for the precautions taken, and requests me to inform his excellency the commander in chief, that he will have

the honour to communicate to his excellency on that subject, and that he will commission an officer to that effect. I have, &c. JAMES DUFF.

"J. Stedman, Esq. Secretary,  
&c. &c."

(Enclosure No. 6.) Gibraltar, 23rd May, 1814.

"Sir; I have the honour to enclose you a copy of the letters received by the commander of the forces, from the Spanish Consul here, and to inform you, that Don Antonio Puigblanc and Diego Correa, were delivered over to the Spanish consul on the 20th instant. I have, &c.

"J. STEDMAN, Civil Secretary.

"Sir James Duff, &c. &c. Cadiz."

(Enclosure No. 7.) British Consular Office, Cadiz, 27th May, 1814.

"Sir; I have the honour to acknowledge the receipt of your letter of the 23d instant, with an enclosure; which I have made known to the captain general, by whom I am requested to express to his excellency the commander of the forces, his thanks for his excellency's attention. I have, &c. (Signed) for

"Sir JAMES DUFF, H. M. Consul.

"ANDREW ARCHDEKIN.

"J. Stedman, Esq. Secretary, Gibraltar."

CONDUCT OF SIR JAMES DUFF.] On the motion that the above Papers be printed,

Mr. *Whitbread* said, that he thought it necessary on this occasion to call the attention of the House to certain circumstances connected with the subject referred to in these papers. It happened that one of the Spanish gentlemen so unjustly surrendered at Gibraltar, had arrived in England, and thought proper to state his own case with respect to that surrender, in which statement he had given a direct contradiction to the grounds upon which general Smith professed to justify the arrest of that gentleman. The general stated that Mr. Puigblanc and his companion had entered Gibraltar without permission, under feigned names, and that by thus violating the standing orders of the garrison, they became liable to arrest; but these two points were distinctly denied by Mr. Puigblanc, who had, after his surrender, been pronounced innocent by the tribunal to which his case was referred, even at Cadiz, since which acquittal he had found his way to England. This gentleman alleged, that so far from having

entered Gibraltar without permission, and under a feigned name, he entered that garrison in his proper name, with a passport signed in the usual form, adding that he had also letters of recommendation to some resident merchants at Gibraltar, which letters were presented to the adjutant by whom he was arrested at a public inn, where he had resided for the three days that he had been in the fortress. With such a direct contradiction of general Smith, he would ask, whether it was not intended to inquire into the subject? And he hoped that the minor officers of administration would not imitate the example of those great leaders who had announced their resolution to answer no questions—to attend to no inquiries made in that House. He trusted that this question would be fully investigated, and if it turned out that this much-injured Spaniard should falsify the statement of general Smith, proper measures would be taken accordingly with respect to that officer. But even were general Smith's statement correct, as to Mr. Puigblanc's mode of entering Gibraltar, that would not justify the surrender of this gentleman and his companion to the Spanish government. For that surrender, however, he understood that a precedent was quoted in the case of general Campbell, who delivered up to the governor of Ceuta four persons who had escaped from the dungeons of that governor. But he (Mr. W.) had obtained such information with respect to the treatment of these four persons, as must, he was sure, excite the horror of every man in England, and in Europe, who did not, like Sir James Duff, devote himself to the detestable government of Spain. These persons, who were highly respectable in acquirements and condition, and one of whom had rendered great services to Lord Camelford when he accompanied Vancouver, as Lord Camelford's family acknowledged, had surrendered by capitulation to general Monteverde, in South America, and one of the articles of that capitulation was the immunity of their persons; yet, by a most scandalous breach of faith they were arrested, and sent in irons to the dungeons of Ceuta, from which they contrived to escape to Gibraltar, encouraged to hope, as they had been told, that when they reached any place blessed with the name of English, they should be secure from tyranny and persecution. But, vain the delusion, they were basely surrendered to the go-

vernor of Ceuta, in whose dungeons they still languished, unless relieved from their sufferings by death. Such, then, was the precedent pleaded to justify general Smith. General Campbell was now no more; but after describing the transaction, he could not think it necessary to make any motion upon the subject; for he could not allow himself to doubt that measures would be taken to prevent the repetition of such a proceeding by any British officer. Resorting to the statement of general Smith, contrasted with that of Mr. Puigblanc, he again expressed a hope that the case would be duly examined, and as to the papers just presented, he could form no opinion of them until they were printed.

Mr. Goulburn did not conceive it necessary for him to go into any discussion at present upon the subject. He thought, however, that he might answer for it, that if the noble earl (Bathurst) was put in possession of that statement; every pains would be taken to ascertain the facts. As to general Smith, however, he should only observe, that if there had been always a custom of giving up Spanish subjects claimed by Spain from the garrison of Gibraltar, and reciprocally of Spain giving up those deserters or others who were claimed by the governor of Gibraltar, it would be, in a considerable degree, an excuse for his conduct.

Mr. Whitbread observed, that the statement of Mr. Puigblanc, to which he had alluded, had appeared in a morning newspaper. He had never himself seen that gentleman. On a former occasion, the same observation was made, as that which had just fallen from the hon. gentleman, with respect to the mutual agreement between the Spanish constituted authorities, and the governor of Gibraltar; and it was then proved; that directly the contrary was the fact: for persons charged with murder, the highest possible crime, had taken refuge in the fortress of Gibraltar, and though demanded, were refused. There was, he knew, an agreement as to deserters; but with a regulation that when given up, they were not to be punished for their desertion.

. The papers were ordered to be printed.

MOTION RESPECTING COURTS OF JUSTICE.] Sir John Newport in rising to move for leave to bring in a Bill, "for the purpose of giving to commissioners, appointed or to be appointed, under a commission

to inquire into the state of Courts of Justice in Great Britain and Ireland, certain powers and authorities," expressed his regret, that he differed in his view of the subject, from many gentlemen of great legal knowledge. Aware of their ability, he should be exceedingly presumptuous in obtruding himself on the attention of the House if he did not feel himself fortified in his opinion, by some of the highest law authorities this country ever produced. He supposed, when the House of Commons petitioned the Prince Regent to form a commission, to inquire into the fees demanded in courts of justice, they intended to arm that commission with powers, which might be useful to the public; and if through any misconception, it appeared when the commissioners came to act, that the powers given to them were not adequate to the full discharge of the duty they were called upon to perform—it was most evident in such a case, that great public inconvenience must be the result. Nothing could be more manifest, than that (even if the view he took of the subject were erroneous), no mischief could arise from the adoption of the measure he should propose. If by law the commissioners were at present empowered to tender oaths, the provisions of the Bill which he now sought to introduce, would only give them superfluous powers, not at all calculated to do injury. But, if what he maintained was the fact, the witnesses summoned by those commissioners might refuse their attendance; or if they did attend, they might give false evidence, without fearing a prosecution for perjury. In this view of the subject, the commission would work great public injury, instead of great public good. In another point of view, it would be well if the House seriously considered this business. The operation of the commission had already been much delayed; and therefore it was the more necessary, when it did proceed to act, that it should act with effect. Now, although he had great living law authorities opposed to him on this subject, yet he had very eminent written authorities in his favour. In addition to these, he had also on his side, the opinions of persons who, forgetting the measures they had formerly sanctioned, now supported a doctrine which they had in practice condemned. On this last score, he thought he had some claim to the assistance of two or three of his Majesty's present cabinet. The right hon. baronet then proceeded to

quote the opinion of lord Coke, who in his 2d Institute says, that "Every administration of an oath must be warranted by act of parliament, or by the common law of the land, time out of mind." In another place, that great lawyer says, "No man can administer an oath, in a new case, without an act of parliament." And in the 3d Institute, he says, "An oath is so sacred an obligation, and touches the conscience of a christian man so nearly, that the same cannot be administered to any, unless authorized by the common law, or by act of parliament." In the margin, his lordship recited 12 or 13 statutes, beginning with Magna Charta, from which it clearly appeared, that no new oath could legally be administered, unless recognized by act of parliament. The same doctrine, the right hon. baronet observed, was held by lord chief justice Holt; and he contended, that his position was fully proved by the high authorities he had cited. If, however, any doubt arose as to the sense of the legislature on this subject, he had only to refer to the Act of 1807, which would at once dispel it, and clearly shew that parliament recognized the principle he was advocating; and to the act of parliament which he had just mentioned, three, at least, of the present members of the cabinet were parties. It was an Act for investing certain commissioners, appointed to inspect accounts relating to the barrack-master general's department, with particular powers. A commission had been appointed under his Majesty's sign manual, for the investigation of those accounts; but so convinced were his Majesty's ministers that they could not proceed, in consequence of their not being authorized to tender an oath, that a Bill was brought in to enable them to assume that power. In proof of this assertion, sir John Newport read a short extract from the Act of the 47th of his Majesty, a. 1, ch. 13, which empowered the commissioners to send for papers and records, and to examine individuals on oath. This, he observed, was clearly a case in point. The commissioners had been appointed by the crown in autumn; but in consequence of the defect in their powers, they did not proceed, till after the March following, when the Act to which he had referred, was passed. The right hon. baronet concluded by moving, "That leave be given to bring in a Bill for certain commissioners appointed, or to be appointed, by the crown, for the examination of the state of

the courts of justice in Great Britain and Ireland, with certain powers and authorities necessary for such examination.

The *Solicitor General* said, that the right hon. baronet was, by his motion, throwing a doubt on the power and prerogatives of the crown, as connected with cases similar to that which had given rise to his proposition; namely, the right to appoint certain commissioners under the great seal, with authority to administer an oath. With respect to the case last put by the right hon. baronet, he certainly was of opinion, that there it was necessary to apply to parliament, to get for the commissioners a legislative sanction which would enable them to swear witnesses, because they were appointed under the sign manual; which, in his mind, did not impart power to the individual to administer an oath. If commissioners were appointed under the sign manual, or if, being nominated under the great seal, they were not specially empowered to tender an oath, in neither case did he think they would have any right to do it; and it would then be necessary for them to come to parliament. If the fact were different, then the legal advisers of the crown, for a long period, were acting under a great mistake. The law officers of 1732, would not have directed commissioners to be appointed under the great seal, with power to administer an oath, if they thought such power was improper. This commission was approved of by lord chancellor King; sir Philip Yorke, and Mr. Talbot, being at the time attorney and solicitor-general. A subsequent commission was considered equally correct by lord chancellor Talbot. Sir Dudley Ryder sanctioned a third; and a fourth was approved of by sir John Strange and lord Hardwicke. Seven different times the same power had been exercised, and its legality never had been questioned. It was most evident too, that these great lawyers had sanctioned this proceeding advisedly; it was not an error arising from want of consideration. It appeared, that, in the first commission, the power of administering an oath was given to five commissioners; but, as this was found inconvenient, in the subsequent commissions it was confined to two only. This he stated to shew that the question had been well investigated, that it was no hasty proceeding, but that all these great lawyers considered the crown as possessing the power which the right hon. ba-



ronet now denied. Notwithstanding the authority of those great names, the right hon. baronet wished the House to pass a Bill to enable commissioners, under the great seal, to administer an oath; although in 1732, and in seven other instances, commissioners so appointed had, without the intervention of parliament, exercised that power. As to the case mentioned by lord Coke, and cited by the right hon. baronet, of the necessity of passing the Act of 43 Eliz. it differed materially from that which was at present before the House. There the commissioners were appointed by an act of the legislature, and it was necessary that their powers should be derived from the same authority. No doubt could therefore possibly exist of the propriety of lord Coke's assertion; that Act went likewise to erect a new court of judicature, empowering it to try cases of policy of insurance, and other matters between subject and subject, and where the decision was to be final. Then, how did that apply to the present case? At some period of the last session the House prayed his royal highness the Prince Regent to issue a commission under the great seal for certain purposes therein specified, and similar to that of 1732. The wishes of the House were in consequence complied with, and this was issued; which, although differing slightly in the machinery, is essentially similar to that, and founded on like principles. If the right hon. baronet desired merely an authority to examine on oath, how did the commission of 1732 differ from the present? Indeed, if any difference existed it was that the present did not possess an operation so extensive as the former. The correction of abuses was the object of that; but no such authority appeared in the present; it merely required an examination into the state of the courts of law, and of the offices connected with them; and all information on those subjects could be obtained only from the persons engaged in them. Should they refuse to attend to account for the nature and extent of their fees, salaries, &c. if they should not be indictable for a high misdemeanour, they would at least be subject to the control of the superior authorities in their several courts, who would undoubtedly compel their attendance. With respect to the apprehensions entertained by the right hon. baronet of an insufficiency of punishment awaiting false testimony, the Solicitor General acknow-

ledged it could not be construed into perjury under the Act of Elizabeth, as that described the cases particularly constituting that offence. But would it be perjury at common law? Lord Coke drew a distinction between oaths of assertion, relating to past circumstances, and oaths of promise, which regard the future. Oaths of office came under the latter denomination, and were not esteemed liable to indictment for perjury; but persons were liable on promissory oaths to prosecution for a high misdemeanour; and fine, imprisonment, and pillory, might satisfy the right hon. baronet of the sufficiency of punishment. As a confirmation of what was now advanced, the Solicitor General stated, that several prosecutions had at various times taken place for such offences under commissions issued by the crown; he therefore could not discern the least necessity of passing the Act required by the right hon. baronet, and concluded by moving the previous question.

*Sir John Newport* begged leave to observe, that the object of the Bill was not merely to empower commissioners to offer an oath, but likewise to compel the attendance of witnesses. He had been particularly careful to form this Act on the model of that one to which he had formerly alluded, and therefore hoped he had silenced objection as to its general principle. So far was he now from being diverted from his original opinion of its expediency, by what fell from the learned gentleman who opposed it, that he felt it on the contrary much fortified. The learned Solicitor General acknowledged, that no power existed at present in the commission of compelling the attendance of witnesses, and they were in consequence to rely on the voluntary testimony of clerks and others, the very persons whose conduct was to be scrutinized. He remarked that in a former discussion of this question, he had stated to the House the various abuses that had come to his knowledge; and, was the House now to sanction a mockery of investigation, on the evidence of those men among whom the abuses existed? He would ask, what would be the character which this commission would receive from the country, when the names of masters in chancery would appear as being appointed to examine the abuses of their own offices? What would the world think of the advantages of an inquiry into the courts of the commissioners of bankruptcies, when

they would find those very persons nominated for the investigation? Such proceedings would reduce the commission to a nullity, or worse than a nullity; it would be an attempt at public imposition, bearing the name, without possessing the reality of what it professed. Much of the testimony, continued the right hon. baronet, on which this inquiry should proceed, would not come from the courts or their officers. Many persons not connected with them, but who had dearly experienced the consequences of their abuses, would come forward, if such a power were given to the commissioners, and give public evidence of their existence, but who, from terror and apprehension of the displeasure of those in power, dare not volunteer their services. Many likewise connected with the courts, were deterred by similar feelings; and one in particular, whose name could not with propriety be mentioned, assured him, that such a disclosure as he had the power to make, would, if voluntary, be attended with his total ruin. Would the House permit a commission to go forth accompanied by such circumstances? It was rather unfortunate that the judgment for misdemeanours, mentioned by the Solicitor General, had taken place in the court of Star-chamber—no very sufficient precedent for modern proceedings! The right hon. baronet remarked, that one of the commissioners appointed for this inquiry was likewise a commissioner of bankruptcies, and a police officer of Dublin; offices, he conceived, sufficient to occupy the attention of any individual. Could such means procure redress for the grievances so loudly and generally complained of?

The previous question was then carried without a division. Sir John Newport then gave notice, that he would, on Tuesday next, move for leave to bring in a Bill to compel witnesses to attend the commissioners.

FREEHOLD ESTATES BILL.] Sir Samuel Romilly, in rising to move for leave to bring in a bill similar to that which he had brought in last year, thought it unnecessary to say much, in explanation of a measure which had already met with the approbation of that House, though it had been lost in the Lords; but since, notwithstanding the efforts he had made to explain himself, it had been much misunderstood, he felt himself obliged to

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trespass for a short time on the attention of the House. The object of the Bill was to make the freehold estates of persons dying in debt liable for their debts: it was to prevent the transfer of that property to others, which ought to be disposed of for the benefit of the creditors. A law like that now in force in England, was not to be found in any other country. That law was not in fact extended to the whole of his Majesty's dominions. It was not acted upon in our West Indian colonies and other of our foreign dominions. Some of the objections which had been urged to his Bill, he was certain were quite unfounded, and had been advanced by persons who had not taken the trouble to give the subject that consideration which it deserved. After answering some of the arguments of those who had opposed the former Bill, he described that which he wished to effect to be this; to give simple contract creditors the same remedy which is open to specialty creditors. He did not mean to place them on the same footing, but merely to allow the simple contract creditors to come in, after the specialty creditors had been paid. This, he contended, would throw no obstacle in the way of selling estates; and the objections that this measure would give greater facilities for young men of fortune to obtain credit, he answered by shewing that it was not probable a young man of fortune would be more readily trusted by an older man, because he might recover from his estate on his death; and by asserting that the evil to which he wished to direct the attention of parliament, could never be effectually remedied but in a court of equity. He thought it right to state on this occasion, that it was his opinion that much more than would be done by this measure ought to be done, to give the creditor the benefit of the debtor's property. It was not probable that he should pursue the subject further; but he hoped it would be taken up by others more fortunately circumstanced than he had been, and with better success. Much alteration in the law appeared to him to be wanting. He did not hesitate to say, that the law of England, on the subject in question, had gone on an erroneous principle. It had been distinguished by extraordinary rigour against the person, and by great relaxation with respect to his property. It punished inability to pay a debt as a crime, but did not take those measures which might be taken to

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prevent the offence. It imprisoned the debtor for not applying his property to meet the demands of his creditors, but did not apply that property for him, to the payment of his debts in cases where this could be done. In opposition to the provisions of the bill of rights, a partial and angry creditor might, till lately, doom a debtor to perpetual imprisonment for his misfortunes, which he might regard as an offence. Latterly a great, and he thought, a salutary change had been made in the law. He was of opinion, however, that the present law, if continued in force, ought to be supported by further measures. Nothing could be more disgraceful to any government than that the same prison should contain a half-famished creature, who must perish from hunger but for the gaol allowance, and persons living in opulence who preferred residing there to paying their just debts. He thought the law ought to make its agents take the property belonging to such persons to satisfy their creditors, as was done by the sheriff in other cases, where the debt contracted was of smaller amount. He was also of opinion, that the debtor should not have the power of protracting the proceeding, to run the creditor to a great expense, by sham pleas and other artifices now resorted to, against which the creditor might be very easily protected. He hoped the motion, of which an hon. and learned friend of his had given notice, for the repeal of the late Act was not intended to operate a return to the ancient law. The evils attending the Act referred to had been greatly exaggerated, and the good which it effected was not sufficiently known. It had the effect of preventing, in some instances, commissions of bankruptcy from being taken out against persons whose property was not sufficient to cover the expense; and, though it might seem a paradox, he approved of it because it went to diminish credit. It did not go to lessen that credit to which the commercial prosperity of this country was to be ascribed, but that mischievous credit which tradesmen had been in the habit of giving to persons in low situations, which had frequently led them to live for a time above their circumstances, and which in the end commonly proved injurious to both parties. He moved, "That leave be given to bring in a Bill to subject the freehold estates of persons who die indebted to the payment of their simple contract debts."

Mr. Serjeant *Best* said, it was not his intention to oppose the Bill in its present stage; but as he believed his hon. and learned friend was not in the House when he gave his notice respecting the repeal of the Insolvent Debtors Act, he wished to state that it was not his intention by such repeal to bring back the law to the barbarous state in which it was before. No person was more an enemy to perpetual imprisonment for debt than he was; and indeed, such rigour never could be exercised, for temporary Insolvent Acts were frequently passed, and liberated those individuals who were so circumstanced. While, however, he deprecated severe imprisonment for debt, he did not think it right they should be discharged with so trifling a punishment as was now substituted. His object, therefore, was to enlarge the proportion of imprisonment. He differed entirely from his hon. and learned friend in his view of the effects of such bills; and he confessed he did not wish to see that species of credit broken in upon, which was so necessary in the present state of society.

Mr. *Horner* said, he had imagined, that when the present Act was under discussion in that House, the merits of the principle on which it was framed had been admitted by the hon. and learned gentleman. Whatever defects of a subordinate nature might require a remedy, he was satisfied that no arguments could be adduced to disprove to him the utility of that important innovation in the municipal laws of England. Far from agreeing with the hon. and learned gentleman that the present term of confinement was too short, he was of opinion that the person of the debtor ought not to be detained a single week after the full disclosure of his property had been made. With respect to credit, given by shopkeepers, his hon. and learned friend did not mean to destroy all credit between such persons and the lower orders of the community, but to put an end to the indefinite credit which shopkeepers were in the habit of giving to persons who ought not to have a longer credit than their situation might require. As to what the hon. and learned gentleman had said in regard to the ancient state of the law, that it was ameliorated by occasional bills for relief of insolvent debtors, he (Mr. Horner) had agreed to the passing of such bills, merely upon the principle that the law was wrong, and that he despaired of any better measures being adopted by the legislature.

He was persuaded that imprisonment for debt was extremely injurious both to debtor and creditor, and that the Bill which had been passed for the relief of insolvent debtors was a most salutary and useful law.

Mr. Serjeant *Beaz* in explanation said, that he did not find fault with occasional bills for the relief of persons who were embarrassed in their circumstances. He had stated, and he would repeat it, that he detested perpetual imprisonment. He conceived, however, that he had been misunderstood, as he had never said a word either against or in favour of such bills. He had merely said, that he intended to move for the repeal of the existing Act; and had reserved his arguments against that Act till his motion should come before the House. What he stated on a former occasion was, that he approved of the principle of the act, but he could not approve of the manner in which it had been carried into effect.

Mr. *Lockhart* agreed with the hon. and learned gentleman (sir S. Romilly) that it was proper to bring in the Bill which he had moved for. Funded property, and every other species of property, ought to be subject to the payment of debts; but with respect to the late Insolvent Act, he was convinced that it had done considerable mischief to the morals of the country, and every man in business was averse to it. Many persons had contracted debts merely for the sake of taking the benefit of that Act; and as to the period of imprisonment it was good only for mischievous purposes. He was persuaded, that as long as that law existed, people would not hesitate to run into debt, to give undue preferences to their creditors, and to create fictitious debts. He hoped, however, that the hon. and learned gentleman would take a more extensive view of the subject. The old law, which allowed a creditor to imprison his debtor, was intended to deter people from contracting debts who had no property: it operated *a priori* on such persons. It was not against men who had property that the law should be turned, but against those who had had property and had expended it, or such as never had any property, and yet ventured to contract debt. But this Bill treated all persons alike; it gave only three months imprisonment to a rogue, and the same period to a person whose misfortunes had made him embarrassed, whereas different periods ought to be

limited to different creditors. He contended, therefore, that this Bill liberated every person who had violated the general rights of property. There was no safety for property under it, and though gentlemen seemed to conceive, that its principal benefit was to prevent shopkeepers from giving improper credit, yet its operation was to affect all credit; for no person in his senses would at present give credit; on the contrary, he would circumscribe it, and withhold it, where it was really advantageous and useful to the prosperity of the country.

Leave was then given to bring in the Bill, which was presented and read a first time.

**COPY OF THE FREEHOLD ESTATES BILL, AS BROUGHT IN.]** The following is a Copy of the Bill, as presented by sir Samuel Romilly:

**A BILL to subject the Freehold Estates of persons, who die indebted, to the Payment of their Simple Contract Debts.**

“Whereas it is expedient that the real estates of persons who die indebted, should be made subject to the payment of their simple contract debts;

“Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act, when any person shall die, seized of or entitled to any estate or interest, in lands, tenements, hereditaments, or other real estate, which he shall not by his last will have charged with or devised subject to or for the payment of his debts, and which, before the passing of this Act, would have been assets for the payment of his debts due on any specialty in which the heirs were bound, the same shall be assets, to be administered in courts of equity, for the payment of all the just debts of such person, as well debts due on simple contract as on specialty; and that the heir or heirs at law, devisees or devisees of such debtor, shall be liable to all the same suits in equity, at the suit of any of the creditors of such debtor, whether creditors by simple contract or by specialty, as they were before the passing of this Act liable to, at the suit of creditors by specialty, in which the heirs were bound: Provided always,



That in the administration of assets by courts of equity, under and by virtue of this Act, all creditors by specialty, in which the heirs are bound, shall be paid the full amount of the debts due to them, before any of the creditors by simple contract or by specialty, in which the heirs are not bound, shall be paid any part of their demands."

## HOUSE OF LORDS.

*Wednesday, February 15.*

**CORN LAWS.]** The Duke of *Norfolk* said, that as there had been presented petitions on the subject of the Corn Laws, and as there were more to be presented on the same subject, he should move for some information which would be necessary before the House proceeded to legislate. His grace then moved for the returns of the average price of grain in the maritime districts, from the first return in the month of November to the last in the present month, both inclusive.

The Earl of *Lauderdale* said, he could not object to the motion, but he wished to have it understood that the returns could not give a fair idea of the actual average. In the first place, these returns were made out from the returns of prices from 139 different towns in the maritime districts. From some of these towns the returns of prices excluded the price of grain imported from France, from Ireland, and Scotland. In some instances, grain imported from France only was excluded; in others, that from Ireland was excluded, whilst that from Scotland was admitted. The inspector-general also proceeded in an unusual manner in making up the average: suppose a hundred quarters had been sold at 80s., two hundred at 70s., three hundred at 60s., and four hundred at 50s., the usual method to make up an average would be to divide the sum for which the whole had been sold by the number of quarters, and take the product. But the inspector-general's method would be to divide the sum of the four different prices by four, and take the product as the average price. But as it most frequently happened that the greatest quantity was sold at the lowest price, the method pursued by the inspector-general gave a high average. He hoped, therefore, that in any legislative measure that might be adopted, the method of making up the returns, and the towns from which they were made, should be regulated. The motion was agreed to.

**PROPERTY TAX.]** The Duke of *Norfolk* presented a Petition from the ward of *Billingsgate* against the renewal of the Property-tax. The Petition was read. In moving that it do lie on the table, the noble duke observed, that though he hoped the tax would expire at the time fixed by law, there were some things in the petition with which he could not concur. It was there stated that the tax had been oppressively carried into execution. Whatever might have been the case in some instances, in all those which he had witnessed the conduct of the commissioners had been lenient in the extreme. As to the merits of the tax, he thought that if any additional taxes were necessary, a tax on the income of property, judiciously modified, would be the best tax that could be adopted, and would be much preferable to an increase of the assessed taxes, or any other. Even the continuance of the present income tax, loaded as it was with the opprobrium which had been cast on it, would be in his opinion a much better measure than to strike at the root of that great security of public credit and firmest pillar of public prosperity, the sinking fund, as established in 1784. The Petition was ordered to lie on the table.

**TRANSFER OF GENOA.]** The Marquis of *Buckingham* said, that before the order for summoning their lordships was read, he wished to put a question to the noble earl opposite, as to a transaction vitally affecting the credit and character of the country. It regarded no negotiation—it bore reference to no negotiation then pending, nor to any thing the disclosure of which might be detrimental. It referred to an act done, an affair terminated: and he wished to know whether the measure so taken had been with the knowledge and by the authority of his Majesty's government? The question was as to the manner in which his Majesty's government had conducted itself with respect to Genoa. In April, 1814, lord William Bentinck entered Genoa at the head of a British army, on the banners of which was inscribed "Italian independence." On the 14th of March, lord William had issued a proclamation, exhorting the Italians to arm in that contest in which we were engaged, and assuring them that the independence of Italy, and the ancient constitution, should be respected. In the proclamation issued in April, he insured to the Genoese their ancient constitution

and independence. This proclamation was issued by the commander in chief of the British forces—by a person bearing also a diplomatic commission from his Majesty. What was the event? The Genoese trusted to British faith, pledged by our commander in chief, and quietly submitted to the temporary occupation of their territory. In the treaty of Paris it was stipulated that the Austrian territories in Italy should be restored to Austria, but that the other states should be restored to their independence. The 5th of January was the day when the ancient constitutions were to be restored, and it was not till the 26th of December preceding that another proclamation was issued by the British officer commanding in Genoa, by which the territory and government of Genoa—the lives and property of the Genoese were delivered over—not to the domination of their ancient constitution, but to subjection to a sovereign to whom they had never before submitted—to the king of Sardinia, a power to whom they had never owed allegiance. Such was the fulfilment of Lord William Bentinck's promise! Thus was British faith maintained! The question which he wished to put was, whether the proclamation of Lord William Bentinck had been authorized by his Majesty's ministers? And if not, whether it had been disavowed? Also, whether the proclamation by which the Genoese had been turned over to the king of Sardinia, had been authorized by his Majesty's ministers? If the noble earl in the blue ribbon, the prime minister of the country, could disavow these proclamations, the disgrace would be taken away; but if not, a more disgraceful and flagitious act of injustice was never committed in the worst periods of the French revolution. We had all Europe with us in our attempt to overthrow the acts by which the French had unjustly appropriated or transferred independent states; but if these proclamations were not disavowed, we had closed the war by an act as detestable as any of those which had armed the civilized world against the French. The voice of the British parliament, and the British nation, should be heard. They should withhold their support from the injustice of ministers; and he hoped the Italian people, in the discreet use of their own power, would recover that independence of which we had "held the word of promise to their ear," but which we had bartered to despotic sovereigns. If the questions which

he had asked could not be satisfactorily answered, it would be manifest that the system pursued by ministers was hostile to true policy and common honesty, and that line of conduct which had been pursued by the greatest statesmen in the most brilliant eras of our history.

The Earl of *Liverpool* said, that he should not then enter into an explanation of the transactions alluded to by the noble marquis; but he hoped that the House and the country would do him the justice to believe, that both as to Genoa and other transactions which had lately taken place, he should be prepared, at the proper time, to give as full an explanation as the noble marquis, the House, or the country, could demand. But he should not act consistently with his duty if he suffered himself to be led into an explanation on a transaction branching out so widely as that which had been alluded to, before all the circumstances necessary to enable their lordships to form a correct judgment could be laid before them. But on that point he should pledge himself to prove, that the British government had committed no breach of faith, that no expectations which the Genoese were warranted in entertaining had been disappointed, and that the charge brought against his Majesty's government, of violated promises, was destitute of foundation. His sense of duty would not allow him to proceed further at that time, but when the proper period arrived he should not withhold the fullest explanation.

The Earl of *Lauderdale* said, he conceived farther explanation was even then necessary. It had not been explained why an answer to the questions could not then be given. If any pending negotiation had been stated on which a disclosure might have a bad effect, the answer would be sufficient. But no such thing had been stated. Was any second transfer of this unfortunate state of Genoa agitated? Could it be said that the transfer was not complete? What was the period when the explanation was to be given? It had been acknowledged that the transfer was complete. [No! from Lord *Liverpool*.] The noble earl had not given the least hint that there was to be a farther change. It had not been stated when it was that explanation might be requested with some prospect of success. If the time was left thus indefinite, it was equivalent to a denial of explanation. The period might never come, unless some ground was

stated why explanation was at present withheld. He wished to be informed what was the time when explanation was to be given?

The Marquis of *Buckingham* said, that as no answer had been given, he should move for the production of the documents to which he had referred.—The noble marquis afterwards gave notice, that he should on Monday move for the proclamations of lord William Bentinck and general Dalrymple.

**MILITIA EMBODIED IN TIME OF PEACE.]**  
The order for summoning their lordships having been read,

Earl *Fitzwilliam* rose to call the attention of the House to a subject which he had hoped his Majesty's ministers would have rendered it unnecessary for him to have taken up, as he had directed their particular attention to it by a motion at an early period of the present session. The subject was the continuance of the militia embodied at a time when neither of the four circumstances existed which justified the calling out that force or the continuing it embodied. If any of the ministers could assert that rebellion, or insurrection, or invasion, or imminent danger of invasion, existed, he would consent that the militia might with propriety be continued on foot. But as neither of these cases could be asserted to exist, he should say, that the keeping the militia embodied was pregnant with fatal mischief to the constitution of the country. For if that act could be justified, it would be completely established that a standing army might be permanently kept up. If such was the result of the deliberations of persons learned in the law, it was certainly a new gloss on our constitutional laws; for by the Bill of Rights a standing army was declared abhorrent to the freedom of the country. The ministry had attempted to justify this most extraordinary measure by the opinion of the Attorney and Solicitor General,\* which had been drawn up and sent in a circular from the Secretary of State's office to the different militia regiments which had been kept on foot. In this opinion it had been stated, that it was the unquestionable right of his Majesty to continue the militia embodied, notwithstanding the termination of the war with France. Now, in what act was the war with France

or any other war stated as a ground for continuing the militia embodied? He remembered a great and important war carried on for many years without the militia having been called out. In the American war, from 1775 to 1778, though armies were sent out and great battles fought, not a regiment was called out. On the breaking out of the French war, there being a danger of invasion, the militia was embodied—not on account of the war, but on account of that danger of invasion. There was not now danger from any enemy, within or without. Even with the distant nation with whom we were lately at war, we were at peace; at least the definitive treaty having been signed, there was not the slightest probability that it would not be ratified by that nation. We should then be at peace with all the world. What, then, was the ground on which the crown lawyers had justified the continuance of the militia? it was the ground of expediency. Had the 42d of the king any reference to expediency? The expediency of his Majesty's government might refer to Bengal, or the distant limits of our North American possessions; but would a war in these settlements be stated as a ground for calling out the militia? He had received a paper from a body of persons, who had suffered severely by the continuance of the militia in a state of military array. They felt that they were under the iron rod of military discipline, and though sensible of the illegality of the measure, by which they had been continued embodied, they dared not complain. He hoped that the House would render remonstrance on their part unnecessary, and would not suffer, by any perversion of the law, a standing army to be established in the country not under the control of parliament. It had been stated to these unfortunate persons, that they were bound to serve "as long as his Majesty's government should think necessary—his Majesty's government acting upon the knowledge of facts." What, then, were these facts? Why did not ministers come to parliament to state them? He hoped their lordships would never suffer such conduct to be drawn into a precedent, and he should therefore move, "That an humble Address be presented to his Royal Highness the Prince Regent, representing that the militia of Great Britain, embodied under the Act 42 Geo. 3, chap. 90 and 91, and the Irish militia, by the Act Geo. 3,

\* See p. 567.

chap. 101, were directed to be called out in the event of invasion or danger of invasion, insurrection or rebellion, and only in those cases—that in the present happy situation of affairs, no one of these cases existed—that they, with great humility, represented, that the keeping the militia embodied in these circumstances, was a direct violation of the Militia Acts, and contrary to law—that this grievance called for immediate redress, and that they hoped that his Royal Highness would be graciously pleased to direct that the militia be disembodied without further delay.”

Viscount *Sidmouth* remarked upon the time which had elapsed since this subject was first mentioned by the noble earl, and that it was now brought forward at a moment when the disembodiment of the remaining regiments of militia was actually in progress. He thought it extraordinary that the noble earl, with his view of the importance of the subject, should have thus delayed bringing it forward. Since the period when the noble earl first mentioned this subject the crown lawyers had delivered their opinion, that it was perfectly competent to the crown to keep the militia embodied, notwithstanding the termination of the war, so long as circumstances rendered it necessary, the ministers acting in such case upon their responsibility. That such was the law with regard to the militia he had no doubt. The noble earl had shewn, by quoting the acts of parliament, that to keep the militia, or any part of them, embodied, notwithstanding the termination of the war, was not contrary to the letter of the law, and he (lord *Sidmouth*) was decidedly of opinion, that neither was such a measure at all at variance with the spirit of the law. In all the acts regarding the militia, were to be found, consistently with a due constitutional jealousy of the crown, the circumstances strictly defined under which alone the militia should be called out; but, in none of them was it stated under what circumstances the militia should be disembodied. It certainly never had been in the contemplation of parliament, that the services of the militia should cease with the cessation of those causes, which had, under the authority of the law, led to their being called out; and there were numerous instances in which the militia had been kept embodied long after the reasons for calling them out had ceased to exist. His lordship referred to some of the instances he had quoted on a former occa-

sion, and mentioned the case of the seven years war, the year 1759, when the militia were called out and kept on foot in 1760 and 1761, notwithstanding all danger of invasion had then ceased. In 1792, when a noble lord opposite was in administration, the militia was wisely called out, by perhaps what might be deemed a strained construction of the law, but which was a highly judicious measure. In 1805 the militia were kept embodied, when the situation of affairs that had required their being called out no longer existed; to come still nearer, when the French army was totally ruined on the *Beresina*, what danger of invasion any longer existed? How, then, did the reasoning of the noble earl apply? The cause for calling out the militia had, in many of these instances, altogether ceased, but yet parliament had by its votes sanctioned their being embodied, thus shewing their sense of its necessity, under the circumstances of each case. Thus in the last war, subsequently to the peace of *Paris*, the House of Commons had voted the pay and clothing of the militia till Christmas last, and the vote had been introduced into the Appropriation Act, thus proving the construction which parliament gave to the militia laws, as to the militia remaining embodied, when circumstances required it, although the causes of their being originally called out had altogether ceased. It was only, indeed, in consequence of the militia remaining embodied at that period, and being thus applicable to the domestic military service, that the army at *Bordeaux* could be allowed to embark to support the cause of the country in another hemisphere. Against this measure no one had attempted to raise his voice, and he was confident that any one who had done so would have been overwhelmed with public indignation. Thus, therefore, parliament had recognised, in repeated instances, the expediency of keeping the militia embodied, after all the causes for calling them out had wholly ceased; and it evidently had never been the intention of the legislature to prescribe a period when the disembodiment should take place. In the Local Militia Acts, it was expressly stated at what period that force, when embodied, should be disembodied; but although the regular militia establishment had been repeatedly before parliament, no provision whatever had been made as to the period of its being disembodied when once called out. He was, there-



fore, justified in concluding, that parliament had not thought it fit to legislate upon this point, leaving it to the discretion of the government to keep the militia embodied so long as circumstances rendered it necessary; parliament itself having the control over the conduct of the government, by holding the purse of the nation, and by the annual Mutiny Bill. He admitted that it was burthensome to that part of the militia kept embodied, and he should be doing great injustice to that force if he did not acknowledge, in the highest terms, their zeal and loyalty; but it would have been little flattering to them to have been dismissed when the country so essentially required their services for domestic military purposes, in order to enable the regular troops to support the cause of the country against its enemies. He was, therefore, perfectly satisfied as to the legality of keeping the militia embodied, and fully convinced of its expediency, under the circumstances which had existed. If, however, the House thought with the noble earl, that such practice was contrary to law, they would, of course, decide in favour of the motion, whatever might be the consequences. If, on the contrary, they thought that it was perfectly legal, and that expediency required, under the circumstances stated, its adoption, they would with him give the motion a decided negative.

Lord Grenville said, he had no hesitation to accept the alternative offered by the noble viscount, and to state that he felt it his duty to give the motion of his noble friend his decided support, convinced as he was that keeping the militia embodied, as stated by his noble friend, was wholly contrary to law. They had been told by the noble viscount of the opinion of the crown lawyers; but was it to be endured that the law which was to bind the subjects of the country was to be taken from the *ipse dixit* of a crown lawyer, and this too upon a partial statement of the case referred to him? It was formerly the practice of the crown to take extra-judicial opinions of judges as to what was to be considered as the construction of law; and thus it was that it was promulgated to the country in the case of ship-money, that the crown might levy money upon the subject without the consent of parliament. Now we were to be told, not from the extra-judicial opinion of judges, but from the extra-judicial opinions of the crown lawyers, that the militia might be kept

embodied in time of peace, or so long as the welfare of the government and of his Majesty's dominions rendered it necessary. Was there ever such a dreadful doctrine held out to the public, as that the military services of a numerous class of the people might be continued without limit, at the discretion of the crown? But how was the case stated on which this opinion was given? The crown lawyers were asked if there was any provision in the Acts imperative upon the King to disembody the militia. He had never heard in the whole course of his parliamentary life of any act of parliament being imperative upon the King. The constitution required that they should be imperative upon the King's officers, and with them the responsibility rested. The way of putting the question ought to have been, what was the power vested in the crown? and this, he contended, was limited by the preambles to the Militia Acts, which defined the circumstances under which the militia should be called out. Beyond that it could not be extended by any construction of law, nor could the opinions of the crown lawyers render that law which was not so. He decidedly reprobated the practice of referring to the crown lawyers as to what was to be considered law, which could alone be decided upon in the courts after argument, and upon solemn adjudication. They all remembered (and here he did not mean to cast the slightest reflection upon an individual now no more), that the noble viscount, when formerly in administration, held an opinion, that those who had volunteered their services for the defence of the country could not withdraw themselves from that service during the war, and this was supported by the opinion of the crown lawyers, and yet when that opinion came to be decided upon in a court of law, it would not bear a moment's argument, and was immediately overturned. Such, he had no doubt, would be the fate of the opinion now given by the crown lawyers on the militia laws, if it were to come for adjudication in a court of justice. It was true that the practice regarding the militia extended their services during a war, and no one who had at all observed the uncertainty of military events—no one who had witnessed, in the course of a very short time, invasion removed from the gates of Moscow to the gates of Paris, could attempt for a moment to decide when, during war, the danger of invasion had ceased. But when all danger of inva-

sion, actual and prospective, had decidedly ceased by the conclusion of peace, was it to be endured that they should be told that the militia ought to be kept embodied for domestic military service? The argument of the noble viscount had no limit. According to that the militia might be kept embodied indefinitely during peace, at the discretion of the crown. What, then, were they called upon to do? to decide between a government according to law, and a government according to the discretion of the crown. The cases cited by the noble viscount did not apply, (in that of 1792 the militia were called out in consequence of the actual danger of insurrection), because they referred all of them to a state of war; but here it was deliberately contended, that the militia might be kept embodied during peace at the discretion of the crown: Against this monstrous doctrine he most solemnly protested, convinced as he was that no such intention was ever in the contemplation of parliament. He did not mean to doubt that ministers would use the power they had thus assumed with moderation, and he trusted they would do so; but he must nevertheless call in question the exercise of such a power, the existence of which he altogether denied, and must therefore support the motion of his noble friend, who had only been prevented from bringing forward his motion sooner by the adjournment of parliament, which ministers themselves had proposed.

The *Lord Chancellor* did not wish to lay any stress upon the opinions of the Attorney and Solicitor-general; but when he saw that parliament, after repeated revisions of the Militia Acts, and anxiously defining the circumstances under which the militia should be called out, had avoided all mention of any period at which they should be disembodied, he was surely entitled (looking at what was enacted and was not enacted) judicially to argue, that it was not the intention of parliament to prescribe any specific period at which the militia should be disembodied, but leaving it to the discretion and responsibility of ministers, it reserved to itself the power of controlling those Acts according to the circumstances of each case. The noble and learned lord then referred to the case of the Insurrection Act in 1792. It was a dispute at that time whether there ever was any insurrection; but there could be no debate that at the time when the Insurrection Act was

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passed there was no rebellion or invasion, or imminent danger of rebellion or invasion. The government had heard of practices which some day or other might ripen into rebellion: but there never was an actual rebellion. It might upon the same principle have been contended, that the militia were entitled then to go home, as there was no insurrection or danger of insurrection, and when they were even doubting whether there had ever been any insurrection. He did not wish to be understood as advancing that government were warranted in holding the militia embodied, under circumstances when parliament should think there was no longer any occasion for their remaining so embodied; all he wished to contend for was, that there was nothing in the act of parliament which went farther than this; it pointed out the circumstances under which his Majesty might call out the militia, and directed the attention of parliament to the militia being so embodied; and on the militia being called out, and the attention of parliament called to their being embodied, the Act wisely left to the crown a discretionary power to act with respect to that force, under the control of parliament, in keeping it embodied or in disembodied it, as was most for the interest of the public. He used discretion in the sense in which it was used by crown lawyers, not caprice or fancy, but a sound and judicious discretion in the exercise of those powers which were vested in the crown for the general interest and expediency. On these grounds he opposed the address, which stated as contrary to law what parliament had for half a century sanctioned as constitutional.

The Marquis of *Buckingham* said, that no man could ever persuade him to assent to the proposition, that it was in the power of parliament to dispense with the Bill of Rights, which secured to us that there should be no standing army in time of peace in this country. According to the noble and learned lord on the woolsack, when the militia were called out under the superintendence of parliament, unless parliament thought proper to interfere, the militia might remain embodied at the pleasure of the crown, though the circumstances under which they were called together had ceased to exist. This was not living under the authority of the statute law of the land, but of whatever ministers might persuade parliament to agree to. But however high the authority for this

doctrine, he would contend, that according to the statute, by which alone government were authorized to call out and embody the militia, when the circumstances ceased on which the calling out of that force was made to depend, that then they ought, without delay, to be disembodied. The period of 1778, alluded to by a noble viscount was not in point; for then we were on the eve of a war with France.

Lord *Ellenborough* said, it became him, when he heard the vague statement, that so large a body of men as 20,000 were without authority detained from their families, with swords in their hands to avenge their country's wrongs, to give his denial to such a dangerous doctrine, and to recommend a clear and distinct rejection of the Address. By law the King was empowered to draw out in certain cases the militia; and if the law was silent as to the period when the militia should again return to their homes, it was because the power of determining this was one which the crown could exercise with most regard to the interests of the country, and most regard to the persons kept in a state of privation by remaining so embodied. When by law the king was empowered in certain cases to call out the militia, and no time was limited for the continuance of that force, how could he be limited but by a sound prudence in the exercise of his prerogative? The noble and learned lord then went into an account of the Insurrection Act of 1792. The insurrection was, he said, ridiculous. On the 13th of November, some boys assembled at Dundee, rung the bells, set up the tree of liberty, and burnt about a hundred casks. Before the departure of the post which conveyed the intelligence of this affair to government, all the insurgents were sleeping quietly in their beds, and the insurrection disappeared, never to rise again. On the 16th government were informed that the insurrection had ceased. On the 1st of December government issued a proclamation, in which they did not state the existence of insurrection, but that a spirit of tumult and sedition had lately shewn itself in acts of riot and insurrection. Before they called out a man, government well knew that no insurrection existed. It would be said, perhaps, that there was then an apprehension of invasion; but he would traverse that fact. Was there, he would ask, any danger of invasion, till after the king of France was murdered, and even till some months after

that event? The disturbances at Dundee were a mere pretence; and there was no apprehension of invasion till after the war with France. And, indeed, France was not in a situation either to invade us, or threaten us with invasion, till many months after the war was commenced, yet the then ministry did right, in his opinion, to call out the militia, and keep that force embodied. Having once stated the condition by which that force might be called out, as long as the exigencies of the state might render the possession of that arm of strength necessary to them, so long the ministers of the crown were justified in continuing it. Were ministers, till the American war was closed by ratification, justified in disembodied the militia? He should be sorry if any thing uttered in the heat of debate, by some of their lordships, were attended with the effect of impressing on the minds of men, with swords in their hands, that there was no longer any obligation on them to continue their services; and that all punishment attempted to be inflicted on them was an aggression which they were at liberty to resist.

Lord *Grenville* rose in explanation. In the first place it never was his intention to create an unlawful or unjustifiable discontent in any part of his Majesty's subjects, and least of all in any part of the armed force of the country. He would put it to his noble and learned friend, with his feeling, his love of law, and of the liberty of the English subject, supposing him to entertain the same belief with himself on this subject, if, after every public and private endeavour to remove this grievance without success, he would not have adopted the course which had been that night followed? He would ask him what was the duty which they were called on to perform, entertaining as they did the opinion that the continuing the militia embodied was illegal; and whether any consideration on earth ought to induce them to sit silent, when they saw the laws of the country grossly violated? Let the noble and learned lord believe that this Act was directly contrary to law; that an armed force was continued in direct violation of the laws of the country, and that all other modes of acting had failed to effect the discontinuance of that force, would he think that he discharged his duty to his country, if he refrained from declaring this opinion in his place in parliament? When he saw the laws wrested,

as they were in this case, from their proper signification, it was his duty to declare such conviction. If those persons who were retained, contrary, as he contended, to law, were to be influenced by opinions delivered in that House, they would probably think that more weight was due to the opinions of the noble lord on the wool-sack, and his noble and learned friend over against him, than to any thing which he could advance. The noble and learned lords could not feel more strongly than he did the necessity of subordination on the part of the militia to the government, and deference to the opinions held by high authorities in the law, which was the only safe course for them to pursue. Both his noble and learned friends, instead of meeting the question on the grounds which he expected—instead of telling their lordships when the prerogative for which they were contending was created—had put themselves on a level with the rest of their lordships, justifying themselves not by authority but by example. When his noble and learned friend over against him spoke as a law authority, he was entitled to the highest respect; but when he wished to instruct him that there was no danger of invasion at the period of the Insurrection Act, he had selected the only ground where he had an advantage over him. The noble and learned lord could not know what he (lord G.) then knew. He had been mistaken in both instances. He had said that the murder of the king of France did not take place till two or three months after the calling out the militia; and that till after that event there was no danger of invasion. On the 10th of August 1792, the French king was conducted to the prison which he quitted for his grave. On the mere fact, then, of the existence of the King depended the question of peace or war with France; and those ministers who saw the proceedings of the beginning of August, must have been careless indeed of the country intrusted to their administration, if they had neglected to provide for the events which took place. But the war might be said to have commenced earlier, for a decree was published promising assistance to the disaffected in every part of Europe; and thus the alarm which existed in this country could not be disconnected with the danger of invasion. If his noble and learned friend meant that there could be no danger of an invasion taking place the next week, or month, or even the next

six months after the period in question' then he would observe, that the calling out the militia could not be executed within less time than two or three months, and when this did take place, it brought together a body of men perfectly undisciplined. With regard to the year 1778, the case did not apply. If the enemy's fleet had not been defeated in the Channel, the consequence would have been the invasion of this country; and the combined fleets of France and Spain made their appearance the year following the defeat, for the avowed purpose of covering an invasion. Had an invasion then taken place, it would have been doubtful whether the militia might have been sufficient to prevent very material detriment to the resources of this country. Probably the case of the Insurrection Act was brought forward as an *argumentum ad hominem*. He wished merely to observe, that there was no part of his life that he looked back to with more satisfaction than the share which he had in the government of this country at the close of 1792, and the beginning of 1793. The noble and learned lord had truly stated, that ministers were then anxious to strain every nerve to obtain the two points of calling together parliament, and calling out the militia. They wished the authority of parliament to frown down the opinions which were then becoming but too prevalent, and a military force to repress the disaffected at home, who could be dangerous only because of the countenance given them from abroad. But, was it possible to draw the smallest inference from this to a case where no danger was stated to exist? No man could say that America threatened this country with invasion. We were at peace with France and with Holland: not only at peace, but in intimate alliance. Whether the government of 1792 were or were not imaginary alarmists, no man could say that there was any danger now; the difference between the two periods was no less than between war and peace. He remained convinced that to keep this force on foot in peace, and in circumstances which did not threaten a rupture of that peace, was a direct violation of the constitution. If the unsettled state of Europe was alleged as a reason for requiring the militia, then a communication to that effect ought to be made to parliament. The conviction on his mind was, that this force was not kept up for the purposes which had been stated, but



to enable government to keep an army abroad, in order to obtain something of an influence on the negotiations which were going on in a distant part of Europe. When this subject came to be argued, he was ready to show that such an army could not be useful, but must, on the contrary, be prejudicial. The prerogative came first to be accurately studied in the time of Charles the 1st, and was the cause of the civil war. After the Restoration, general words only were used; but from that period there was no trace of an effective exercise of the prerogative over the militia. The time at length came when the crown was again entrusted with that constitutional force; not in the exercise of its prerogative, but in consequence of an act passed by parliament, from which the whole authority of the crown was derived.

The Earl of *Liverpool* said, that after the opinion delivered by his two noble and learned friends, it would be presumptuous in him to take up the question at any length. It was agreed on all hands that parliament had defined the circumstances under which the militia might be embodied, but not those when they ought to be disembodied. Now, he contended, that this *prima facie* was in favour of a discretionary power in the crown. The local militia was a force of a very different description from the regular militia; and it would be attended with the greatest inconvenience that it should remain embodied any longer than necessary. What had the law stated on the subject? It stated the cases when it might be embodied, and then the power to keep and continue it after the causes for embodying it had ceased, for a period not exceeding six weeks. Here, instead of leaving a discretion to the crown, a precise time was specified. Ministers had a full right to the use of this law in explanation of the others. With that law before them, specifying when the local militia should be embodied, and when disembodied, and with the other Act specifying when the militia should be embodied, it was evident that the disembodiment was merely a question of discretion on the part of the crown, for which ministers were responsible. We were still at war with America, and though peace was concluded with France, out of the treaty with that country certain arrangements were to take place, by which a British force was to be kept up for a time on the continent. With

the utmost desire of disembodiment the militia, government had proceeded as far as circumstances would admit. Some had been disbanded since the matter was last debated in parliament; some were disbanding at present, and all would be disbanded as soon as the circumstances of the country would allow such a measure to be safely carried into effect. All he maintained was, that government had a latitude of discretion when such force ought properly to be disembodied.

Their lordships then divided: Contents, 12; Non-Contents, 27; Majority against the Address, 15.

## HOUSE OF COMMONS.

Wednesday, February 16.

COUNTY GAOLS CHAPLAINS' BILL.] Mr. *Hurst* rose, pursuant to notice, to move for leave to bring in a Bill for enlarging the powers of an Act of his present Majesty for providing clergymen to officiate in gaols within England and Wales. The hon. member observed, that according to the original Act, the magistrates at quarter sessions were authorized to allow to such officiating clergymen 50*l.* per annum. But when it was considered that this Act was passed 43 years ago, and that those pious and very worthy gentlemen had almost daily duties to perform (the importance and labour of which he had an opportunity of appreciating, from his occasional attendance as a visiting magistrate of the county gaol of Sussex), while for several years back they were compelled to pay 5*l.* a year to the property tax, he could not entertain a doubt that the allowance alluded to would be deemed quite inadequate. Therefore, he could not anticipate any objection to a measure, which merely had in view to invest magistrates at quarter sessions with the power of granting a more liberal salary to these meritorious clergymen.

Mr. *Giddy* believed the Act which the hon. gentleman proposed to amend, did not extend to the clergymen officiating in the houses of correction. He could wish them to be included in the Bill now proposed to be brought in.

Mr. *Hurst* observed, that his motion referring to the extension of a particular act, in which houses of correction were not mentioned, he did not feel the propriety of complying with the hon. member's wish, lest such compliance should create any impediment to a measure

which, he flattered himself, would meet general approbation. He should, however, be very willing to lend his assistance to the object of the hon. member, upon any other occasion, or in any other form.

Leave was given to bring in the Bill, which was presented, and read a first time.

**GAOL FEES ABOLITION BILL.]** Mr. *Bennet* presented a Bill for the abolition of gaol and other fees connected with the gaols in Great Britain.

Sir *William Curtis* requested to be informed by the hon. gentleman, whether the operation of the Bill was to be extended to the King's-bench, Fleet-prison, and Newgate; as he would oppose it, unless those three principal gaols of the kingdom were comprised within it.

Mr. *Bennet* observed, that when the Bill was committed, any alterations esteemed necessary might then be proposed by any member.

The Bill was then read the first time.

**NEW GENERAL POST OFFICE.]** The sheriffs of London presented at the bar, a Petition from the lord mayor, aldermen, and common council of the City of London, in common council assembled; setting forth,

"That a principal avenue of communication between the city of London and the great north road by Saint Martin-le-Grand is much too narrow, for the increased trade and population of the metropolis, and very incommodious and dangerous to passengers; and that the petitioners conceive that the widening and improving the said avenue, and making proper communications therewith, and also widening Foster-lane and St. Ann's-lane contiguous thereto, would be a very great advantage and accommodation to the public in general, and afford additional security to the lives and property of his Majesty's subjects; and that the Post-office at London is very confined and inconvenient for the transaction of the extensive business of that branch of the revenue, and the site between St. Martin-le-Grand and Foster-lane aforesaid is a very desirable situation for the Post-office, where commodious buildings might be erected for the inland foreign and two-penny post departments, and the whole business of that great and important national concern conducted with facility and convenience to the public; and that the consent of the lords

commissioners of his Majesty's Treasury to the said improvement, and providing a situation for a General Post-office as before-mentioned, could not be obtained till long since the time fixed by the House for receiving petitions for private bills had elapsed; and praying that leave may be given to present a petition for a bill for widening and improving the said avenues or passages, for providing sufficient ground for the erection of a General Post-office, and making suitable and convenient accesses to and from the same, and proper communications therewith, and for defraying the expenses thereof, in such manner, and under such regulations and restrictions, as to the House shall seem meet."

The *Chancellor of the Exchequer*, in rising to express the consent of the crown to the acceptance of this Petition, took occasion to contradict some rumours, which he understood had gone abroad, that government had held out a threat to the corporation of London upon the subject. The fact was, that government felt the erection of a new Post-office indispensably necessary to the accommodation of the public, and had expressed that opinion, but no threat whatever was used to any body of men. Several places had been pointed out as eligible sites for the proposed building, but the place pointed out by the petitioners was, after full consideration, deemed the most eligible, and therefore approved of by government. Besides, from the estimate he had seen on the subject, he was happy to say, that a compliance with the wish of the petitioners would be attended with less expense than any other plan he had heard of. That, in a word, the project alluded to by the petitioners would be productive of more accommodation, and less expensive, than could be looked for from any proposed extension of the present Post-office.

Mr. *Baring* said, there were two considerations which ought to be borne in mind, first, as to the propriety of incurring the expense attendant on building a new Post-office; and secondly, that of interfering so largely with private property, as to take down the dwellings and buildings of from two to three hundred persons. In the present instance, the House had to decide, whether the city of London had a claim to more favour than any other petitioner who might wish to present a private petition, after the time for receiving such petitions was past. He

took upon himself to say, that part of the Petition, as to the inability of the petitioners to get their Petition prepared in time, was false. The fact was, the city had not been disposed to agree with the government before. The subject had been given up last year by the city. In consideration of the immense expense attending the projected change, it had been resolved by the corporation, and carried by a majority of 49, that they would have nothing to do with it. A threat had since been held out by government, that if they would not consent to let the Post-office be built on the spot pointed out—on the most valuable plot of ground in the city, and pull down two or three hundred houses to make way for it, they would remove it to the west end of the town. It was, therefore, only now, after the agents of the Post-office had been intriguing with some of the members of the corporation, and got their consent to the proposed alteration, that this Petition could be presented. So much for the claim set up to unusual indulgence. As to the Petition they wished to present, the right hon. gentleman knew the merchants were opposed to the measure, which would be likely to cost the city, if they paid a third of the expense, near 300,000*l.* when 40 or 50,000*l.* expended on the present Post-office, would make it fit for every purpose. The secret cause of its being resolved to remove the Post-office altogether was understood to be this—some of the inferior officers of the Post-office, and particularly the Surveyor, had an interest in part of the property on the proposed site of the new building. In consequence of this, whenever the removal of the present establishment was mentioned, St. Martin's-le-Grand had been sure to be named, as if no other place could be found fit for such a purpose. This plan, which if carried into effect, would, he thought, be attended with an expense of 800,000*l.* and which would subject the city of London to a tax upon coals, he regarded as the job of some of the inferior officers of the Post-office. He was of opinion there was nothing in the Petition before them which ought to excuse the city from complying with the ordinary forms of the House.

Sir *William Curtis* thought the hon. gentleman had stated rather more than he could justify. The allegations contained in the Petition, he maintained, were facts. Before the Petition was prepared, the con-

sent of the lords commissioners of his Majesty's Treasury was wanted to the great improvement of the North Road, which was contemplated. Whether the expense of the new Post-office would be 500,000*l.* or 800,000*l.* was very immaterial to him. (A laugh.) He meant, to the subject. The present situation of the Post-office, was that which was most convenient for him; but when a committee appointed to enquire into the subject, went to examine the Post-office, he understood they had declared, *unâ voce*, that in its present situation there was not room for carrying on the business, and declared there was a necessity for its being removed. The question now before them was, whether or not an important improvement in the great North Road, and the Post-office, should or should not take place.

Mr. *Grenfell* denied that the merchants of London unanimously disapproved of the proposed removal of the Post-office, as those residing westward must rather think that removal desirable; but there were other classes of persons whose accommodation was to be consulted, as well as that of the merchants of London, and the new plan would materially accommodate all the inhabitants of the west end of the town, who would receive their letters half an hour sooner in the morning, and be enabled to send off letters half an hour later in the evening. On these considerations he approved of the project referred to by the petitioners.

Mr. *Gordon* thought the question for the House to consider was whether the accommodation spoke of was worth the 800,000*l.* which it would cost. He, for his part, was satisfied with the time at which he received his letters, and should not like to pay his quota of the 800,000*l.*

Mr. *Ponsonby* inquired if any plan or estimate had yet been laid before the House? The first consideration was the expense, for the state of the finances of the country was not such as to justify them in wantonly incurring the expense, which it was supposed would attend the projected improvement. It was not for the accommodation of this or that party that the public ought to be taxed. Many members of that House, he believed, got their letters soon enough by paying a very moderate annual sum. He, for one, by paying a guinea a year, received his by what was called the early delivery. To attain an object so easily secured, were the public to be taxed for a new Post-

office? He wished much to know what would be the expense of the projected change.

The *Chancellor of the Exchequer* took occasion to notice that this discussion was somewhat premature, as the Petition before them was but a preliminary Petition. With respect to the expense, he had calculated that the plan for building a new Post-office on the site which had been mentioned, was the most economical that had been suggested, as it would be attended with less expense than re-building the present Post-office, where it now stood, or in any other place; and unless one or the other of these things were done, the business of the establishment could not be carried on in a proper manner.

Mr. *H. Sumner*, from a calculation of the number of feet included in the proposed site for the new Post-office, between St. Martin's-le-Grand and Foster-lane, and those of the site of the present Post-office, and which might be added to it by building up to Abchurch-lane, asserted, that greater accommodation could be obtained by the latter place than was offered by the former. The value of the private property to be purchased in the vicinity of St. Martin's-le-Grand, judging by the property tax paid on it, amounted to 280,000*l.* and one material item had not been taken into consideration; he meant what was called good-will. This was an ideal thing—one which every one flattered himself, by supposing its value to be greater than it was in reality, and the purchase of which would perhaps cost more than the property itself. On this subject it was difficult to persuade a man to come to reasonable compromise. He would be disposed to go to a jury, and what was usually the consequence, might be easily surmised when it was taken into consideration, that the jury who were to decide the question, were persons precisely in the same situation themselves, and who would therefore say, in a case where private property was thus disturbed, its owner was entitled to what he believed it to be worth. He had said the value of the buildings was 280,000*l.* (as appeared from what was paid on them to the property tax) which were to be purchased at St. Martin's-le-Grand. This could not be supposed to be its full value, it was probably not more than half. He, however, would only add half as much more to it—he would assume the property, which, from the returns of the property tax, was

worth 280,000*l.* was in reality worth 140,000*l.* more. From this very moderate calculation it would be seen, that exclusive of the sum which would be demanded for good-will, 420,000*l.* must be expended in clearing a site to build upon, before a single stone or brick was purchased to begin the building. The private property necessary to be purchased in Abchurch-lane to make the alteration there, which he had suggested, appeared from the returns made to the property tax to be worth 70,000*l.* Judging by this fallacious scale of its real value, he would, as in the former instance, assume it to be worth half as much more. To the 70,000*l.* he would add 35,000*l.* It would therefore appear, that to clear the necessary site in the one place would cost 420,000*l.*; in the other (which was the more convenient), but 105,000*l.* Every useful purpose would thus be answered, and he contended ornamental expenses ought not to be thought of. He then took a view of the nature of the prayer of the Petition now before them. The city of London, he observed, did not now make an application that the rules of the House should be departed from, for the first time. He reminded the House that it was under similar circumstances the Bill of last year had been introduced; declared the city of London had no excuse for not having presented their Petition before; and, finally, expressed a determination to divide the House in opposition to a departure from the standing order, in their favour.

Sir *James Shaw* defended the conduct of the city. They wished a great national improvement to be made, of which they were willing to bear one-third of the expense. That was all the benefit they sought; they had nothing to do with the building of the Post-office, and the third of the expense which they proposed to take upon themselves, they expected would be 100,000*l.* which it was intended to defray out of a tax laid upon coals brought to the port of London. He ought to observe the city of London paid out of their own funds an annual tax of 11,500*l.* to the Orphans' fund. He, for his own part, could have wished a site for the new Post-office had been found nearer the Royal Exchange; but, under all the circumstances, he felt it his duty to support the Petition.

Mr. *Sumner* thought it right to apprise the House of the origin of this Orphans' fund. It was when the city of London



was indebted to the Orphan establishment in the sum of 750,000*l.* and declared itself utterly unable to pay, that they applied to parliament in the reign of king William, and in order to pay the interest (the repayment of the principal being quite out of the question), it was settled that they should give 11,500*l.* out of their yearly funds, and that the tax upon coals should be applied for the remainder. He believed that the House would be absolutely ashamed of the application of this Orphans' fund, if their attention was called seriously to the subject.

Sir *James Shaw* contended that there had been no abuse in the application of the fund by the city of London. He appealed to the report of the committee of which that gentleman himself was chairman.

Mr. *Sumner* explained. He had not said that the city of London had been guilty of abuse in the application of this money; but he had said that parliament would be ashamed of the application of it, if their attention was called to it. He believed that no funds had been misapplied by the city from the time that parliament directed the application.

Mr. *Banks* wished it to be understood, that in voting for the motion he should not hold himself pledged to support the measure in contemplation, respecting a new Post-office; for while he wished for every necessary accommodation on this subject, he must be anxious to have that accommodation furnished as cheaply as possible; and his impression was, that the accommodation required, might be had at less expense by enlarging the present Post-office.

The House divided: For the motion, 71; Against it, 24;—Majority, 47. The Petition was then presented, and upon the motion of sir W. Curtis was ordered to be referred to a committee.

Mr. *Banks* inquired whether the plans and estimates for removing and rebuilding the Post-office were made out. If they were, he thought they ought to be laid before the committee, so that they might be enabled to make their report as fully, and with as little delay as possible. He should therefore make a motion to that effect, if there was no objection to it.

The *Chancellor of the Exchequer* said, that he apprehended it would require some time before they could be produced.

Mr. *Ponsonby* wished, not only that the plans and estimates for removing the Post-office should be had, but also an estimate of the practicability and expense of mak-

ing such additions to the present Post-office as would render it fit for the public business.

Mr. *Baring* said, he hoped whenever those estimates were produced, that they would be made out by the surveyor-general, and not the local surveyor of the Post-office. A very general opinion prevailed that that individual was at the bottom of the whole job; and it was certain that a near relative of his had a great interest in the property that was likely to be affected by the projected improvements. No survey therefore made by that officer would be satisfactory to him.

EMBASSY TO PORTUGAL.] Mr. *Whitbread*, as he understood a secretary of legation was going out to Portugal, wished to know if the person formerly sent to Lisbon was to be recalled, or if it was part of the original bargain, that the person in question should be sent out in that capacity?

The *Chancellor of the Exchequer* said, that when a question was first put to him on this subject, he was not prepared to answer it. He had made inquiries, and could now give the hon. gentleman the information he desired. No new appointment had taken place. A secretary of legation was attached to the embassy to Portugal, as to every other embassy; that situation was at present filled by Mr. Casamajor. If that gentleman returned to England he would be replaced; but he did not know that that was in contemplation.

CORN LAWS—AVERAGE PRICE OF BREAD.] Mr. *Baring* rose to move for a return of the price of bread during a certain number of years, which he considered as a necessary document in the inquiry they were about to institute. He regretted, indeed, that the inquiry was to be brought on so soon as Friday, on which day, as he understood, a right hon. gentleman intended propose a series of resolutions for the adoption of the committee, upon a subject the most important to the vital interests of the country. He was certainly of opinion that more time ought to be allowed for individuals to make up their minds. He had heard, indeed, of a sort of legislative committee that had met at lord Liverpool's house, to determine upon the measure that was afterwards to be proposed. He did not mean to censure

that meeting, but it seemed to him to be a very unusual proceeding. Upon a question, however, of so great importance, and with petitions from every city and borough in the kingdom respecting it, he certainly thought that House ought to know what it was government intended to propose, (for a measure of government he now understood it to be,) before they were called upon to vote. If it was merely intended to propose certain resolutions to the committee, and then ask leave to sit again, he should feel less objection to the measure. The right hon. the Chancellor of the Exchequer had postponed his motion upon finance, to make room for the corn question, because of its urgency; but he (Mr. B.) could not see that urgency at the present moment, as the ports were already shut against further importation till the month of May, by the operation of the Act now in force. On the other hand, the finance measures of the right hon. gentleman, which had been postponed, were of real urgency, because vague declarations upon the subject had been scattered among the people, and were producing the most injurious effects. It was not known whether it was intended to touch the sinking fund, to triple the assessed taxes, or by what other means to meet the difficulties of the country. Such a state of doubt and uncertainty was most prejudicial to the public credit, and to money transactions throughout the kingdom. The funds had been depreciated ever since the intimation given by the right hon. gentleman, and speculations in them had been carried on to a great extent. He did not mean to say that the Chancellor of the Exchequer had made any improper disclosures of his intended plan; but those employed under him might, perhaps, notwithstanding all his caution, obtain some knowledge of it. He regretted, therefore, that any delay had taken place, on account of the influence which had been produced upon the public mind; and as he was far from considering the corn question to be one of such urgency as had been represented, he should oppose it in every stage, at least until he knew what were the measures intended to be brought forward. He trusted that the same year in which the great proprietors of the country were relieved from the heavy burthen of the property tax, would not witness their success in inducing parliament to transfer the burthen to shoulders so much less able to bear it.

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The hon. gentleman concluded with moving, "That there be laid before this House, a Return of the price of the quartern loaf of wheaten bread as regulated by the assize in the city of London, stating the average price of each year, from the year 1697 to 1814, both inclusive."

The *Chancellor of the Exchequer* said, he did not intend to oppose the object of the motion. As to the objection which had been made to the postponement of his financial measures, he thought the House would have had reason to complain, had it been proposed to press those resolutions in a shorter, instead of a longer period. As to the anxiety and speculations excited by the anticipations of the public, they arose from the necessity of the case, and would not be likely to be remedied if the object of the measures were to undergo a premature and partial explanation. Taking into consideration the expectations of the whole country respecting some change in the Corn Laws, he thought it preferable to postpone his resolutions of finance, not as less important, but as less urgent. With regard to the meeting which had taken place out of doors on the subject of corn, and which had been represented as an improper innovation; he thought on the contrary, that it was the practice of members of that House to meet together, before proposing some important measure to parliament, and he did not see that it could be urged as an objection to such a measure when it was proposed, that it had previously been discussed by a number of gentlemen well informed on the subject, and actuated by the wish of serving the best interests of their country. Whenever a notice of new financial measures was given, there was always a degree of anxiety and speculation among the public which could not be avoided. The hon. member had at least given him credit for having made no improper disclosure, for the very nature of the reports in circulation showed that the public knew nothing of what he intended to propose; and the less was known of any measure, before it was brought forward, the better. With respect to hurrying the bill to alter the corn laws through the House, that had never been the intention of ministers, for the subject had already undergone an anxious and laborious investigation, the reports of which were lying on the table of the House. Though unwilling to allow of unnecessary delays, ministers had therefore never wished to hurry the adoption.

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doctrine, he would contend, that according to the statute, by which alone government were authorized to call out and embody the militia, when the circumstances ceased on which the calling out of that force was made to depend, that then they ought, without delay, to be disembodied. The period of 1778, alluded to by a noble viscount was not in point; for then we were on the eve of a war with France.

Lord *Ellenborough* said, it became him, when he heard the vague statement, that so large a body of men as 20,000 were without authority detained from their families, with swords in their hands to avenge their country's wrongs, to give his denial to such a dangerous doctrine, and to recommend a clear and distinct rejection of the Address. By law the King was empowered to draw out in certain cases the militia; and if the law was silent as to the period when the militia should again return to their homes, it was because the power of determining this was one which the crown could exercise with most regard to the interests of the country, and most regard to the persons kept in a state of privation by remaining so embodied. When by law the king was empowered in certain cases to call out the militia, and no time was limited for the continuance of that force, how could he be limited but by a sound prudence in the exercise of his prerogative? The noble and learned lord then went into an account of the Insurrection Act of 1792. The insurrection was, he said, ridiculous. On the 13th of November, some boys assembled at Dundee, rung the bells, set up the tree of liberty, and burnt about a hundred casks. Before the departure of the post which conveyed the intelligence of this affair to government, all the insurgents were sleeping quietly in their beds, and the insurrection disappeared, never to rise again. On the 16th government were informed that the insurrection had ceased. On the 1st of December government issued a proclamation, in which they did not state the existence of insurrection, but that a spirit of tumult and sedition had lately shewn itself in acts of riot and insurrection. Before they called out a man, government well knew that no insurrection existed. It would be said, perhaps, that there was then an apprehension of invasion; but he would traverse that fact. Was there, he would ask, any danger of invasion, till after the king of France was murdered, and even till some months after

that event? The disturbances at Dundee were a mere pretence; and there was no apprehension of invasion till after the war with France. And, indeed, France was not in a situation either to invade us, or threaten us with invasion, till many months after the war was commenced, yet the then ministry did right, in his opinion, to call out the militia, and keep that force embodied. Having once stated the condition by which that force might be called out, as long as the exigencies of the state might render the possession of that arm of strength necessary to them, so long the ministers of the crown were justified in continuing it. Were ministers, till the American war was closed by ratification, justified in disembodiment the militia? He should be sorry if any thing uttered in the heat of debate, by some of their lordships, were attended with the effect of impressing on the minds of men, with swords in their hands, that there was no longer any obligation on them to continue their services; and that all punishment attempted to be inflicted on them was an aggression which they were at liberty to resist.

Lord *Grenville* rose in explanation. In the first place it never was his intention to create an unlawful or unjustifiable discontent in any part of his Majesty's subjects, and least of all in any part of the armed force of the country. He would put it to his noble and learned friend, with his feeling, his love of law, and of the liberty of the English subject, supposing him to entertain the same belief with himself on this subject, if, after every public and private endeavour to remove this grievance without success, he would not have adopted the course which had been that night followed? He would ask him what was the duty which they were called on to perform, entertaining as they did the opinion that the continuing the militia embodied was illegal; and whether any consideration on earth ought to induce them to sit silent, when they saw the laws of the country grossly violated? Let the noble and learned lord believe that this Act was directly contrary to law; that an armed force was continued in direct violation of the laws of the country, and that all other modes of acting had failed to effect the discontinuance of that force, would he think that he discharged his duty to his country, if he refrained from declaring this opinion in his place in parliament? When he saw the laws wrested,

as they were in this case, from their proper signification, it was his duty to declare such conviction. If those persons who were retained, contrary, as he contended, to law, were to be influenced by opinions delivered in that House, they would probably think that more weight was due to the opinions of the noble lord on the wool-sack, and his noble and learned friend over against him, than to any thing which he could advance. The noble and learned lords could not feel more strongly than he did the necessity of subordination on the part of the militia to the government, and deference to the opinions held by high authorities in the law, which was the only safe course for them to pursue. Both his noble and learned friends, instead of meeting the question on the grounds which he expected—instead of telling their lordships when the prerogative for which they were contending was created—had put themselves on a level with the rest of their lordships, justifying themselves not by authority but by example. When his noble and learned friend over against him spoke as a law authority, he was entitled to the highest respect; but when he wished to instruct him that there was no danger of invasion at the period of the Insurrection Act, he had selected the only ground where he had an advantage over him. The noble and learned lord could not know what he (lord G.) then knew. He had been mistaken in both instances. He had said that the murder of the king of France did not take place till two or three months after the calling out the militia; and that till after that event there was no danger of invasion. On the 10th of August 1792, the French king was conducted to the prison which he quitted for his grave. On the mere fact, then, of the existence of the King depended the question of peace or war with France; and those ministers who saw the proceedings of the beginning of August, must have been careless indeed of the country intrusted to their administration, if they had neglected to provide for the events which took place. But the war might be said to have commenced earlier, for a decree was published promising assistance to the disaffected in every part of Europe; and thus the alarm which existed in this country could not be disconnected with the danger of invasion. If his noble and learned friend meant that there could be no danger of an invasion taking place the next week, or month, or even the next

six months after the period in question then he would observe, that the calling out the militia could not be executed within less time than two or three months, and when this did take place, it brought together a body of men perfectly undisciplined. With regard to the year 1778, the case did not apply. If the enemy's fleet had not been defeated in the Channel, the consequence would have been the invasion of this country; and the combined fleets of France and Spain made their appearance the year following the defeat, for the avowed purpose of covering an invasion. Had an invasion then taken place, it would have been doubtful whether the militia might have been sufficient to prevent very material detriment to the resources of this country. Probably the case of the Insurrection Act was brought forward as an *argumentum ad hominem*. He wished merely to observe, that there was no part of his life that he looked back to with more satisfaction than the share which he had in the government of this country at the close of 1792, and the beginning of 1793. The noble and learned lord had truly stated, that ministers were then anxious to strain every nerve to obtain the two points of calling together parliament, and calling out the militia. They wished the authority of parliament to frown down the opinions which were then becoming but too prevalent, and a military force to repress the disaffected at home, who could be dangerous only because of the countenance given them from abroad. But, was it possible to draw the smallest inference from this to a case where no danger was stated to exist? No man could say that America threatened this country with invasion. We were at peace with France and with Holland: not only at peace, but in intimate alliance. Whether the government of 1792 were or were not imaginary alarmists, no man could say that there was any danger now; the difference between the two periods was no less than between war and peace. He remained convinced that to keep this force on foot in peace, and in circumstances which did not threaten a rupture of that peace, was a direct violation of the constitution. If the unsettled state of Europe was alleged as a reason for requiring the militia, then a communication to that effect ought to be made to parliament. The conviction on his mind was, that this force was not kept up for the purposes which had been stated, but



be practicable to resume cash payments at the Bank, he apprehended that all were agreed that such payments could not be resumed by the 25th of March next, and that therefore the Restriction Act must be farther continued, at least until the account of our foreign expenditure could be wound up; and until the state of our exchange, and of the bullion trade, should be farther improved. Circumstances, he was happy to say, had occurred within the last year, which held out the most favourable promise, as the state of our exchange had experienced considerable improvement, and the price of bullion had materially fallen. Still, the further continuance of the Act was obviously necessary, and therefore he moved, "That the chairman should be instructed to move the House for leave to bring in a Bill for the continuance of the Bank Restriction Act for a time to be limited."

Mr. Tierney expressed his concurrence in opinion with the right hon. gentleman, that it would not be practicable to resume cash payments at the Bank by the 25th of March next, and the only question was as to the time at which such resumption would be practicable. But upon this point he should reserve the declaration of his sentiments, until the motion for the appointment of a committee of inquiry, of which his noble friend (lord A. Hamilton) had given notice, should be brought under the consideration of the House.

The motion was agreed to, the House resumed, and leave given to bring in the Bill.

## HOUSE OF LORDS.

*Friday, February 17.*

PROPERTY TAX.] The Earl of Hardwicke presented several petitions on the subject of the Corn Laws, praying a speedy revision of the same; and among other places from the county of Cambridge, the town and vicinity of Newmarket, Wisbeach, and Lynn. The noble earl then presented a petition, which, he observed, was of a different nature, and respecting which he felt it incumbent on him to say, that he neither agreed with the petitioners as to the expediency, in the sentiments expressed, or in the view which they had taken of the subject. He could not help thinking the time would arrive when the public would be undeceived upon the subject; and he was of opinion that the kind of tax deprecated by the petitioners was

one, if properly modified and regulated, in several points of view less exceptionable than most others. After a few words in the way of illustration, his lordship moved that the petition be read; it appeared to be from Thorney, in the Isle of Ely, against the renewal of the property tax, and complaining of its operation, as oppressive and injurious. The Petition was ordered to lie on the table.

SIR JAMES DOWNIE.] The Marquis of Lansdowne said, he had a question to put to the noble earl opposite. He had been informed that an officer of high and distinguished rank, who had been, to a very late period, receiving pay from this country, was employed in the expedition fitting out by the present government of Spain to reduce its dependencies. It was, of course, not the intention of this government to continue that officer in his rank and pay. The officer he alluded to was sir James Downie, who held the rank of a general officer. It was the duty of government, on every consideration of character and policy, to state their intentions with respect to this officer.

Earl Bathurst said, that he was not aware that the officer in question was employed on the expedition to South America, and certainly he was not a general officer in the British service.

The Marquis of Lansdowne said, that he was aware that sir James Downie was not a general officer in the British army, but that, by papers which had been presented in another place, it appeared, that to a very late period, long since the re-establishment of the Spanish monarchy, he was receiving pay from this country.

Earl Bathurst said, that he would inquire into the circumstances of the case. It was, in fact, the first time he had heard of it.

## HOUSE OF COMMONS.

*Friday, February 17.*

CONDUCT OF SIR JAMES DUFF.] Mr. Whitbread said, that it appeared by the paper communicated relative to the arrest of certain Spanish subjects who had taken refuge in Gibraltar, that the object of the motion on the subject, was mistaken. It was expected that by the production of all correspondence carried on by sir James Duff with lord Bathurst and the constituted authorities of Gibraltar, a full and fair explanation would be given of his conduct in

preventing those unhappy and virtuous victims of a bad government from effecting their escape by means of the British convoy. Why did Sir James Duff summon the captains of the ships who composed the convoy, and compel them to declare whether any, and what Spaniards they had on board? This was a specific question, which it was expected should be fully answered. This subject involved points so interesting to the British character, and to humanity, that the most satisfactory explanation of it should be given to the country. He could not help remarking, also, that the correspondence which appeared to have passed between Mr. Stedman and Sir James Duff, was by no means creditable to the former, who seemed to exult in the opportunity which he had of obliging the government of Cadiz, by giving up the unfortunate individuals in question. He was anxious to know, likewise, whether any inquiries had been made relative to the allegations of Mr. Puigblanc, in which he so distinctly denied the statements made by general Smith, as to the manner in which he entered the garrison of Gibraltar. The thing was altogether so atrocious, and so abominable, that he hoped, although no specific motion should be made, it would be sifted to the bottom, and that no loop-hole, or means for evasion, would be left either to general Smith, Sir James Duff, or Mr. Stedman, in their disgraceful combination to accomplish so unworthy a purpose. With respect to another of those individuals, surrendered by general Smith, he meant Correa, he had been informed that he was an officer of distinguished gallantry in the Spanish army, that he had fought bravely in defence of Ferdinand 7, that he had two sons, who were at this very moment prisoners in France, one of whom had been wounded eleven, and the other seven times, in the cause of that same Ferdinand. [Hear, hear!] And what was his offence? His sole crime was, that he had written a most temperate letter, recommending the adoption of some of the regulations promulgated by the Cortes. For that crime, and that alone, he was brought to trial and convicted: and let general Smith, and all who co-operated with him in the odious transaction, know, if the knowledge could possibly give them pleasure or comfort, that that Correa had been sentenced to ten years hard labour in the galleys at Ceuta, where he now was, not expiating any offence, but a victim to the jealous

tyranny of the Spanish government. [Hear, hear!] He left those who were instrumental in heaping such misery upon the unfortunate individual to enjoy what tranquillity they could after their knowledge of the melancholy consequences of their interference. He hoped Sir James Duff, who thought he had acted with so much zeal for the honour and interest of the British government in falsifying his own passports, would be able to justify himself, though he could hardly conceive any circumstances that could constitute a justification; and he hoped, also, that general Smith would be able to reconcile the striking and serious contradiction that now appeared in his own account, and that of Mr. Puigblanc as to the manner in which the latter entered the garrison of Gibraltar.

The *Chancellor of the Exchequer* said, he was ignorant whether it was or was not the intention of any gentleman to make a specific motion on this subject; but he thought it was far more desirable, and far more regular, to submit such a motion, than to make a vindictive and declamatory speech, not supported by any authority. It was true, that general Smith might be called on to explain his conduct; but he knew no mode by which the assertions of a foreign gentleman, who thought proper to make an appeal to the public, could be brought under their consideration. Nor did he think it right, that the character and conduct of individuals should be attacked on mere newspaper authority.

Mr. *Whitbread* said, that his authority for making the speech he had done, which the right hon. gentleman had characterised as vindictive declamation, was to be found in the papers laid on the table of the House. With respect to Mr. Puigblanc, whom the right hon. gentleman seemed to think he had not seen, it was very true, when last he mentioned the subject, that such was the fact. But, since that period he had had an interview with that gentleman, and he had stated, in terms the most unequivocal—terms that left no doubt on his mind as to the truth of his assertions—that the allegations contained in his letter were strictly true. That gentleman was ready to appear at the bar of the House. He was willing to attend at the office of the noble lord, and to substantiate every statement he had made. The right hon. gentleman thought it would be better if a specific motion were made on these papers; and perhaps it might be so. He

had departed from the promise given on a former evening by a gentleman connected with a minor department, who had agreed that the truth of the statement made by Mr. Puigblanc should be investigated; and, as he seemed to think, that the honour of the country was so little implicated in this affair, as to render it unnecessary to have it cleared up, he (Mr. Whitbread) would, at no distant period, move that those papers should be taken into consideration. In that event, he was sure, the right hon. gentleman, to whom an opportunity would be given to declare his sentiments, would find it impossible to screen the individuals concerned from the just indignation of the House.

SPANISH SUBSIDY.] Mr. Bennet observed, that, in the months of July and September last, two sums, of 100,000*l.* each, had been granted by this country to the Spanish government. He wished to know for what purpose they were paid? Was it in the nature of a boon to the royal virtues of the Spanish Monarch? was it to procure some petty commercial advantage? or was it, as he believed it to be, for the purpose of fitting out the expedition to the New World?

The *Chancellor of the Exchequer* said, he had already had more than one occasion to state to the House, that this money had been paid in consequence of a regular stipulation with the Spanish government. It was necessary, after the conclusion of peace, that the Spanish troops should be afforded the means of returning to the different districts to which they belonged. It was on this account that the two sums alluded to were granted.

SIR JAMES DOWNIE.] Sir John Newport observed, that an allowance of 3,400 dollars had been recently made to this officer, who was now in the Spanish service. He should be glad to be informed, whether the Mr. Downie, who formerly went out to South America with general Miranda, for the purpose of revolutionizing the people, who returned to this country, and was employed in the commissariat department—was the same individual who was now about to embark under general Murillo? If so, he was going out to subdue those very South Americans, whom he endeavoured, a few years ago, to spirit up to rebellion? He should also like to know, whether, while we abstained from giving any assistance to those South Americans, we were justified in affording aid to Ferdinand to subdue them?

The *Chancellor of the Exchequer* said, that sir James Downie had formerly held a commission in the British service, from which he passed into that of Spain. Whether he was now about to embark for South America, he could not say.

Sir John Newport demanded whether he was now, being in the Spanish service, receiving pay or allowances from this government? He was, it appeared, so lately as the 26th of July last.

The *Chancellor of the Exchequer* said, the question of the right hon. baronet would be answered in a few days, when the return to the motion of a noble lord, for an account of all British officers, in the Spanish service, who received pay or allowance from this government, was made to the House.

STATE OF THE CORN LAWS.] Mr. Robinson moved the order of the day, for the House to resolve itself into a committee of the whole House, to consider of the state of the Corn Laws. The several Reports which were made to this House in the two last sessions of parliament relative to the corn trade; and also the Reports from the committee of the House of Lords, on the same subject, which, upon the 23d day of November last, were communicated by their lordships to this House, were ordered to be referred to the said committee. On the question, That the Speaker do leave the chair,

Mr. William Smith rose, for the purpose of saying a few words on the order of their proceeding, as the matter before the House stood in point of time. Last session he argued against the consideration of the subject, on account of the question being brought forward prematurely. He was still of the same opinion, with respect to the discussion of last year; and he thought they entered on it now, under circumstances far more favourable. Indeed, the time that had been gained had wrought very important effects. His reason for rising was merely this. It was clearly understood, a few days ago, that certain measures of finance, to be proposed by the *Chancellor of the Exchequer*, would have preceded the consideration of this question. This appeared to him, in every point of view, to be perfectly proper. He thought that the House and the country should be put in possession of the right hon. gentleman's financial plan, before the subject of the corn laws was touched upon. If the ques-

tion merely were, whether the corn laws should, at the present moment, be made a subject of consideration, he should have little objection to the proposition. But he believed they had been told by the right hon. gentleman, that it was intended, in the committee, to propose a certain price, at which when the quarter of corn arrived, it would be lawful, and not before, to resort to importation. Now, it must appear to every person who had at all considered the subject, that the settling of this question depended, in a very great degree, on the amount and nature of the taxes to be imposed. Without knowing, accurately, the state of taxation, it would be impossible for the House to decide, whether the importing price should be 65s. 75s. 80s. or 85s. For instance, they should be given to understand, decidedly, whether the property tax were to be renewed or not? Because it was morally impossible for them to know what price should be affixed, before importation was allowed, unless the landholder was informed whether he would be called on hereafter to pay that tax or not. He should also be glad to learn, whether certain other taxes on agriculture, particularly the tax on husbandry horses, were to be continued? Because the continuation or abolition of those taxes would make such an alteration in the cultivation of the land; and the consequent growth of corn, as would render a material difference necessary in the price at which importation would be permitted. It might be said, that the right hon. gentleman had given an assurance that the property tax would not be imposed again. He should like to hear that assurance. He should be extremely well pleased to be certified of the fact; for he looked upon that tax as an engine of oppression and a badge of slavery. The right hon. gentleman might smile when he made use of those expressions; but he thought the inquisitorial dominion exercised by that tax, as bordering upon servitude. At the same time, he was ready to admit, that the gentlemen opposite had mitigated its effects, in a way extremely honourable to them. If it had been otherwise collected, it would have been ten times more oppressive. Now, the right hon. gentleman had only stated, that the property tax would not be renewed, provided his financial proposition were acceded to. It was, therefore, possible, as this condition was made the foundation of its abolition, that

the tax might not be repealed. In this state of uncertainty, he should like to know, whether it was possible for them to fix a limit to the importation of corn? If a satisfactory answer were given to the questions he had asked, which was not very likely, the House might proceed; otherwise he thought they could not, with any degree of propriety.

The *Chancellor of the Exchequer* said, it would have been better if the hon. member had waited till he was apprised of the order in which it was intended to bring the two questions he had referred to before the House. He would then have seen that the course meant to be adopted, could not be objected to. He (the Chancellor of the Exchequer) understood, that his right hon. friend (Mr. Robinson) would propose, in the committee, certain resolutions for altering the corn laws; but not so as to bind the House. These resolutions would then be reported, preparatory to their being printed, after which they would be re-committed to a committee of the whole House, in the course of the ensuing week. The consequence of this procedure would be, that as he (the Chancellor of the Exchequer) would have the honour of submitting to the House on Monday next, the proposition of which he had given notice, the House would be enabled to go into the consideration of his right hon. friend's resolutions, with a full view of what he had proposed, and also with a pretty accurate estimate of the general feeling, with respect to the intended alteration in the corn laws. With respect to the property tax, if the House agreed to the plan he should submit to them, he did not mean again to introduce it. Therefore, for the purposes of debate, it might safely be assumed, by any gentleman, that this tax would be repealed. Certainly no advantage would be taken, at a future period, of an argument founded on this assumption.

Mr. W. Smith said, that if the right hon. gentleman had explained as satisfactorily on a former evening, every word he had uttered would have been unnecessary.

The Speaker then left the chair. Upon which,

The Hon. *Frederick Robinson* immediately rose. He commenced by advertising to the course of proceeding which he had adopted; and observed, that the only object he had in view, was to state to the committee the general principles on which he conceived it would be expedient for



the House finally to resolve, and the nature of the resolutions which it was his intention to submit to them. He believed the forms of the House would require, that those resolutions should be printed, which it was always his desire that they should be. The regular mode of proceeding was, that unless the House declined entertaining the propositions at all, they should in the first instance be agreed to, and reported immediately. After that, he should move that they be printed, with the intention of referring them to the House again. He was sorry that his absence, on a former evening, had prevented him from stating this. The question was asked, at a late hour, when he had left the House, and he regretted that that circumstance had given rise to any misapprehension. The House would perceive, from this exposition, that it was not meant to take any course inconsistent with full and fair discussion. If the length of time which had elapsed since this subject was first introduced to the House, had been accompanied by the great disadvantage of its having now fallen to his lot to renew the discussion on this occasion—it had, at least, been attended with one advantage, which had been properly alluded to by the hon. gentleman who had just spoken; it was attended by this great, this inestimable advantage, to a question of this description, that it afforded an opportunity for a full, complete, and satisfactory investigation; an investigation never likely to do mischief; and, in this instance, productive of general good. It enabled gentlemen of all opinions, whether directly opposed, or only exhibiting shades of difference—whether disagreeing on principle or degree—to come to the discussion of the subject with minds better informed, and more decidedly made up; and it also enabled them to supply, from their own knowledge and information, all those deficiencies which might be observable in his statement.

He had never disguised from himself, and he was not at all ashamed to confess it, the extreme difficulty, as well as the extreme importance, of this question. He never had disguised from himself that it was a choice of difficulties. The committee were not called to enter on a plain path; there was, in fact, a certain evil to be apprehended, either from adopting or rejecting the principles he was about to submit to the committee; and therefore, the question was one of peculiar difficulty. He could not however but feel,

that the prejudices on this subject had, from farther inquiry, been very much removed. He could not certainly flatter himself, that they were entirely removed; for there were many thousand persons in this country who judged, and it was no reproach to them, rather from their feelings, than from reasoning or reflection. He knew that their opinions were not changed, nor likely to be changed; but, he believed, that from amongst many other persons, who opposed an alteration in the corn laws, the objections they originally entertained were very much removed. But, above all, he was happy to see, that the misrepresentations, for so he thought they were, with respect to the motives and objects of those who supported this measure, and with reference to the effects which it was likely to produce, were done away with. There did not now exist in the public mind, the feeling by which it was before influenced. It was not now supposed that the object sought to be accomplished by the alteration of the corn laws was the mean, and base, and paltry one of getting, for a particular class of society, a certain profit, at the expense of the rest. "For my own part," said Mr. Robinson, "I declare to God, if I thought this was the motive which actuated any individual who supported the alteration; and, above all, if I conceived that such would be the effect of the measure, no consideration on earth could tempt me to bring it forward." It was, as he had before observed, a question of great difficulty; and the only motive that ought to guide the House, and by which alone he was himself guided, was to do good to all parties. He believed that the course he was about to call on the House to adopt, was not calculated to benefit only a part—but, as far as his judgment went, would lead to the general benefit of all.

In looking to the principles which should guide their decision, the House ought to recollect, that they were not now in the situation of arguing, for the first time, whether they should act on the principle of restriction or not. For not only on the subject of corn, but on all great branches of trade in this country, they had, from time immemorial, proceeded on a system of restriction. And therefore, he contended, they were not now placed in a situation of discussing first principles. They were not now, for the first time, to inquire, whether they were to act on this principle or not. The

system had been acted on for a long period, and we could not depart from it without encountering a frightful revulsion, which it would be dreadful to combat. It was not, therefore, a question between restriction and non-restriction—but how they were to apply principles, that had been long called into action, to the existing circumstances of the country. This was the only ground on which he would now recommend the measure he was about to submit to their consideration.

Many of those persons who objected to a restricted system with reference to corn, did not reflect on this circumstance; that they were flourishing, and realising immense wealth, in their own profession, by the adoption of a similar principle. This remark applied particularly to one branch of our national manufactures, which depended, in an especial degree, on the supply of the raw material to be obtained in this country. He alluded to the woollen manufacture. It was known to every person, that wool was not permitted to be exported, even in the smallest quantity, from this country. Here, the right hon. gentleman begged that he might not be misunderstood. He did not advance, as an argument, what had fallen from him on the subject of the woollen trade. He did not mean to say, that because one set of people were supported by a particular principle, that another set should be assisted in a similar way. That would not be a fair or generous mode of considering the question. But it was a proper remark, when applied to those who were interested in the subject, and who were guided by feeling, and not by reason.

The effect of this system of restriction, whether from the operation of the principle, or from the situation of the country during the last twenty years, had occasioned a most extraordinary increase in the agriculture of this kingdom. An increase which had inevitably, from the very nature of the thing, been accompanied by an increase of charge to those who purchased and consumed. Because it was well known, that those parts of the country which were so fruitful as not to require a great deal of cultivation, when compared with the population, could only provide sustenance to a very limited extent. And in proportion as that population increased, and the number of manufacturing establishments became extended; in the same proportion did the call for agricultural products increase. But

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whence could the supply come from? It could only come from that species of land which could not be cultivated without very considerable expense. It was true, we gained produce; but that produce must necessarily be sold at a dear rate. This appeared to him to be the situation in which they must always remain, unless they had, what he thought they never could have (and on that impossibility he founded the present measure)—an unlimited supply of foreign corn, to make up for those deficiencies, which, if the poorer land were thrown out of cultivation, must certainly be created. In such a state of things he was convinced, that this country would always be afflicted with want and scarcity. This country, he was convinced, under such circumstances would be generally in a state of want. For a time there might be abundance, but, in the long run, we should be reduced to a state of very great want and distress. In the first place, suppose that, relying on the importations of foreign corn—and paying for it, for a considerable length of time, at a lower rate, as we might do—suppose the consequence of this to be, that our own produce was diminished. Suppose in this situation of things, a scarcity occurred abroad and at home—in that case, we could not get foreign corn—and thus we should have to contend with a double deficiency. Therefore, he was of opinion, on the whole, not only that our security would be greater, but even that the price of corn might, in the end, be cheaper, by home cultivation, than by depending on foreign countries. There were a thousand circumstances, which gentlemen might easily conceive, to affect the supply of foreign corn. A state of war might affect it. The whole supply from abroad, in such a state of things, would not be enough to feed the people. They would, therefore, obtain little benefit from such a system, while they were almost certain of being afflicted with an overwhelming evil.

But it was not in a time of war alone, that the foreign supply might be prevented; in a period of peace, regulations might be adopted that would operate against that supply. Let gentlemen look to France. No country in the world was more jealous on this point, than she was. They had prohibited the export of grain, under the payment of a duty, which, though it might appear high there, was certainly considered cheap here. But it

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might be raised indefinitely—and what were we then to do with our increasing population? The adherence to a foreign supply would, in such an event, be fatal to the agricultural interest—and with it the manufacturing interest must fall! He would call upon gentlemen to turn their attention to Ireland. The population of that country would probably be found greater than was supposed; and it was decidedly agricultural. They possessed no capital to invest in manufactures. That country grew more than it could consume. Even if the inhabitants consumed the same species of food which was made use of in England, still he believed the country produced more than enough for their support. The Irish did not, however, consume the produce of their soil. They reared it up for sale. And, if we did not purchase it, what would become of them? What were they to do, if they were driven from the home market by an unrestricted importation of grain from abroad? Where was their produce to go to? It could evidently find no room in other countries, for the French corn might be sent to any other markets, as well as to ours; and it was not necessary for him to dwell on the consequences which must naturally result to Ireland, when thus circumstanced.

Now, they might be told, that, on the score of humanity, they ought not to entertain a measure which might raise the price of grain in England. He should like to know, how this question of humanity applied, with reference to Ireland. He did not adduce this as an argument; but, if the plea of humanity was introduced, he contended that it was as applicable to the one side as to the other—that it was as powerful, with reference to Ireland as to England. He was not aware that it was necessary for him to argue this question of principle any farther. He felt that he was addressing an audience perfectly capable of appreciating the force of his argument, if it had any; and therefore, he would not fatigue the committee by going farther into it. The general result of his reasoning was, in the first place, that it was quite impossible for us safely to rely on a foreign import. If they did, the necessary effect would be a diminution of our own produce, which would become more and more extensive every year, and consequently call for a greater annual supply from foreign countries—a supply which must progressively increase as the agriculture of the kingdom became

less encouraged; and that, when the fatal moment arrived, the system of foreign supply would prove completely illusory. The effect would be exactly what he had before stated—extraordinary misery and confusion—and, in every respect, the decided reverse of what was expected.

The next point to be considered was, the extent to which protection should be given. That was the point on which, undoubtedly, a difference of opinion was most likely to prevail. Some gentlemen would be for going considerably higher than others. Many thought the prohibition ought to be carried to a price considerably above that, without he obtained which, it was conceived the agriculturist could not cultivate. Others would wish that it should be placed much lower; and contend, that, because a particular species and degree of burthen was likely to be removed, therefore, the protecting price ought to be much reduced. Now, he would be inclined to agree to the first of these propositions, if the necessary effect of it would not be to bring up the price of corn to the highest possible rate, within the limits of the sum at which importation should commence. This certainly might be the case at the first moment—but, he believed, the ultimate result would not be so. He thought the final effect of the system would be, to give such a powerful support to our own agriculture, as would greatly increase the general produce of the country. It would excite a strong competition between the different parts of England, and between England and Ireland; so that the growth of corn, if Providence blessed us with favourable seasons, would be sufficiently large to afford an ample supply for the people of this country, and would enable them to be fed at a much cheaper rate, in the long run, than could be effected by the adoption of any other system. He could not conceive why it should be supposed, that such a measure must certainly keep up the price of grain as high as it could go, without coming exactly to that sum, at which importation would be allowed. The price he meant, therefore, to propose to the committee, was 80s. for wheat—the proportion for other kinds of grain, to remain exactly as they were at present.

He would now proceed to state shortly to the committee, the nature of the resolutions, he felt it his duty to submit. First in conformity with the recommendation of the Report of last year, he would propose,

that at all times, foreign corn, meal, and flour, should be allowed to be imported and warehoused, in the United Kingdom—with the exception of flour into Ireland; for, by a particular law, now in being, such an importation was prohibited. But, with respect to England, corn, meal, and flour, might be imported and warehoused, free of duty; and also, at any time, might be allowed to be exported likewise, free of duty. He should next propose, that the average price should continue to be calculated on the same principle as at present; because it was, practically, the least inconvenient mode. There certainly might be some objections to it; but he never heard of any method of making the calculation more accurately. He should say, that importation for consumption should be prohibited altogether, until wheat rose to 80s. the quarter; and other kinds of grain in the same proportion as at present. But when it rose above the sum he had specified, that it might be imported perfectly free, without the payment of any duty whatever. With respect to our North American colonies, he should propose to adopt the same principle. Only there he would fix the price at 67s.; which, by an easy calculation, would be found to bear the same proportion to 80s. as 53s., there, at present, bore to our own price of 63s. He would also apply to those colonies, the same principle of allowing importation for warehousing, when corn was under the *maximum* price; but it should not be permitted for home consumption, till the price of corn arrived at 67s. and then importation, as in this country, might take place free from duty. The committee would observe that the general outline of the resolutions, now about to be proposed, did not involve any complicated matter, but merely related to these two points; first, whether the general principle was such an one as it would be prudent to adopt; and, second, whether the price he had stated was that most likely to produce the desired effect; and in the present stage of the proceeding, he requested that it might be distinctly understood that no decision of this night relating to the acceptance of his resolutions should be esteemed a definitive vote, which would pledge any individual in regard to his ultimate opinion. He hoped, therefore, that he should be pardoned by the committee for not entering into a more extensive maze of detail which might perhaps rather embarrass the subject than

afford any additional illustration. He firmly believed the measure to be conducive to universal benefit, and would, therefore, conclude by moving his resolutions.

The Chairman was then proceeding to read the first Resolution, when

Mr. Robinson again rose, and begged leave to inform the committee that he did not intend to alter the mode of taking the averages of the different periods, but that of the manner in which they should apply. He observed, that there existed an objection to the system of partial importation—that if it were permitted, the markets may be overstocked for three or six months, and again suffer a proportional depression. The law at present allowed importation for the space of three months. If this were to continue, an enormous glut at one period would be followed by a total want at another, and an excessive variation in price would be the consequence. He would, therefore, limit the time of unrestricted importation to six weeks from all the ports between the Garonne and the Eyder, including most part of France, Flanders, and Germany; and if at the expiration of that time corn fell below 80s. all importation should immediately be stopped; but he would not alter the original time with respect to the ports of the Baltic; because their distance would prevent the possibility of speculation.

1. Resolved, "That it is the opinion of this committee, that any sort of foreign corn, meal, or flour, which may by law be imported into the United Kingdom, shall at all times be allowed to be brought to the United Kingdom, and to be warehoused there, without payment of any duty whatever.

2. "That such corn, meal, and flour, so warehoused, may at all times be taken out of the warehouse, and be exported without payment of any duty whatever.

3. "That such corn, meal, or flour, so warehoused, may be taken out of the warehouse, and be entered for home consumption in the United Kingdom without payment of any duty whatever, whenever foreign corn, meal, or flour, of the same sort, shall by law be admissible into the United Kingdom for home consumption.

4. "That such foreign corn, meal, or flour, shall be permitted to be imported into the United Kingdom, for home consumption, without payment of any duty, whenever the average prices of the several



sorts of British corn, made up and published in the manner now by law required, shall be at or above the prices hereafter specified, viz.

	Per Qr.
Wheat .....	80s.
Rye, Pease, and Beans.....	53s.
Barley, Beer, or Bigg .....	40s.
Oats .....	26s.

But that, whenever the average prices of British corn shall, respectively, be below the prices above stated, no foreign corn, or meal, or flour, made from any of the respective sorts of foreign corn above enumerated, shall be allowed to be imported or taken out of warehouse for home consumption, nor shall any foreign flour be at any time importable into Ireland.

5. "That the average prices of the several sorts of British corn, by which the importation of foreign corn, meal, or flour, into the United Kingdom is to be regulated and governed, shall continue to be made up and published in the manner now required by law; but that, if it shall hereafter at any time appear that the average prices of British corn, in the six weeks immediately succeeding the 15th February, 15th May, 15th August, and 15th November in each year, shall have fallen below the prices at which foreign corn, meal, or flour, are by law allowed to be imported for home consumption, no such foreign corn, meal, or flour, shall be allowed to be imported into the United Kingdom, for home consumption, from any place between the rivers Eyder and Garonne, both inclusive, until a new average shall be made up and published in the London Gazette, for regulating the importation into the United Kingdom for the succeeding quarter.

6. "That such corn, meal, or flour, being the produce of any British colony or plantation in North America, as may now by law be imported into the United Kingdom, may hereafter be imported for home consumption without payment of any duty whenever the average prices of British corn, made up and published as by law required, shall be at or above the prices hereafter specified, viz.

	Pr. Qr.
Wheat .....	67s.
Rye, Pease, and Beans.....	44s.
Barley, Beer, or Bigg .....	33s.
Oats .....	22s.

But that, whenever the prices of British corn respectively shall be below the prices above specified, corn or meal or flour made from any of the respective sorts of corn above enumerated, the produce of

any British colony or plantation in North America, shall no longer be allowed to be imported into the United Kingdom for home consumption.

7. "That such corn, meal, or flour, the produce of any British colony or plantation in North America, as may now by law be imported into the United Kingdom, shall at all times be permitted to be brought there and warehoused without payment of any duty whatever.

8. "That such corn, meal, or flour, so warehoused, may at all times be taken out of the warehouse and exported without payment of any duty whatever.

9. "That such corn, meal, or flour, so warehoused, may be taken out of warehouse, and entered for home consumption in the United Kingdom, whenever corn, meal, or flour, of the like description, imported direct from any such colony or plantation, shall be admissible for home consumption, but not otherwise."

The first Resolution having been read by the Chairman of the committee,

Mr. *Philips* professed himself equally inclined either to proceed with, or defer the discussion, as might be most agreeable to the wishes of the House. Several members calling out "go on," he began by stating his entire concurrence in the opinion of the right hon. gentleman who had moved the resolutions, that this was not a question on which the interests of the commercial and agricultural classes were at variance, but one in which those interests, when fairly and liberally considered, would be found to accord: for no resolution upon it calculated to promote the general prosperity of the country could be adopted without materially benefiting both classes. But if this were not the case, if the question were one in which the interests of two or more descriptions of our fellow-subjects were opposed; he should say that it was the duty of parliament *not* to legislate for the advantage of one class in contradistinction to, or at the expense of another, but to legislate for the benefit of the whole community. Looking at the question under the influence of this principle, he could not help feeling and expressing some surprise at the occasion of their present deliberations. What was the object of their deliberations? To provide a remedy for the low price of corn. That which all ages and countries had considered as a great national benefit was now discovered to be a great evil, against which we were impe-

riously called to legislate in self-defence. The real object of the Resolutions, however disguised and disavowed, was to raise the price of corn. [Here Mr. Robinson expressed his dissent.] Mr. Philips proceeded to say, that this not only was their object, but if that object were not attained, the advocates of the resolutions would regard them as nugatory. The right hon. gentleman must at least allow that their object was to raise the present price of grain; but he contended that moderation and uniformity of price would be their ultimate effect. It did seem somewhat inconsistent, on the part of the right hon. gentleman, to tell the House that the effectual way to lower price was to acquiesce in a measure expressly intended to raise it. But how are this moderation and uniformity of price to be produced? by contracting the market of supply—thus, while in all other instances moderation and uniformity of price are found to be in proportion to the extent of the market of supply, in the instance of corn they are to be in proportion to the limitation of it: and in a commodity peculiarly liable to be affected by the variations of seasons, moderation and uniformity of price, and abundance, are to be attained by preventing importations from foreign countries correcting the effect of the varieties of climate, and of a scanty harvest in our own. To him it appeared that no measure could be better calculated to produce directly opposite consequences.

The right hon. gentleman had referred to Ireland as a part of the empire peculiarly requiring the aid of legislative interference. But what country has such advantages as Ireland for maintaining in the British market successful competition with the foreign importer? Rich in the fertility of her soil; growing, as has been truly said, more corn than is necessary for her own consumption; her price of labour low; and her geographical situation peculiarly favourable to the transport of her superabundant produce. Yet though Ireland has peculiar advantages over England in the culture of grain, the right hon. gentleman has told the House truly, that England as well as Ireland has derived the greatest benefit from the free trade in corn subsisting between the two countries. Upon what principle, then, is it to be contended, that the approximation to a freedom of trade in grain with other countries is to produce in the empire generally an effect directly the reverse of that

which England has experienced from the actual establishment of freedom of trade with Ireland? It had been said by the right hon. gentleman, that our commerce had grown in consequence of, or at least under a system excluding import and foreign competition, that administered to it the same protection which it was proposed to extend to agriculture. On the effect of these exclusive privileges his opinion differed materially from what he supposed to be that of the right hon. gentleman. Where they had occasioned the establishment of manufactures which would not have been created without them, these privileges had operated to the public injury. They had misdirected capital to trades, in which, so far from being able to rival other countries, we were, and must always remain naturally inferior to them. They had compelled us to buy fabrics of worse quality and at a higher price from our own manufacturers, which we might have had of better quality and at a lower price from foreigners, who in return would have received from us, with a material increase of our commercial wealth, those fabrics in which we have the means of surpassing them. Instead of agreeing with the right hon. gentleman that our commerce had flourished in consequence of these exclusive protections, he (Mr. P.) thought it more correct to say, that it had flourished in spite of them. Where they had operated they had done mischief; but, luckily for the country, they had in general been inoperative. This was proved by the fact, that our manufacturers were able to maintain a successful competition with their rivals in foreign markets, notwithstanding the charge of inland carriage, freight, insurance and other expenses to which their fabrics were liable. He was persuaded that, generally speaking, this country was cheaper and better supplied with manufactured goods than any other country in the world, making due allowance for those cases where a direct tax is imposed. And here he wished the committee to observe the inconvenience to which the adoption of a mistaken principle might expose us. It had led us to form manufactures which ought never to have been established here, the very existence of which just reasoning shewed us must have been disadvantageous to the country. But the manufactures having been once established, capitals engaged in them, and many inhabitants of the country become dependant on them

for subsistence, they could not be abandoned without great mischief. Having acted on a bad principle we could not recede from it, but must still go on even after we were convinced of our mistake. It was because he thought the principle a bad one that he was desirous to guard against any farther application of it.

He was somewhat surprised that the right hon. gentleman had made no remarks whatever on the relation between the price of provisions, and that of labour; a question intimately connected with the present discussion, and one upon which much had been said by some of the witnesses examined before the committee of the Lords. According to the reasoning of these witnesses, if there be any relation between the price of provisions and that of labour, it is a relation of inverse proportion. He was aware that this opinion was expressly disclaimed by a noble lord (Lauderdale) who had appeared before the committee; but the opinion, Mr. Philips contended, was the necessary result of his reasoning. [Here the hon. gentleman read a part of lord Lauderdale's evidence in confirmation of this observation.] He then proceeded to say, that admitting for the sake of argument the noble lord's reasoning, it was necessary to consider how it affected the present question. The committee are invited to adopt measures intended expressly to raise the present price of corn, and calculated in his judgment to advance it permanently. This is recommended by the very persons whose reasoning leads us to the conclusion, that to advance the price of provisions is the most effectual way to lower the price of labour. What is this but to urge us to raise the landlord, by depressing the labourer; to increase the wealth of the rich, and the poverty of the poor? If the reasoning of the noble lord, and of those who agree with him, be just, it is proposed to the committee to enter upon a course which may lead us, step by step, to prove experimentally what is the *minimum* of comfort, and food consistent with the subsistence of the *maximum* of our population. Mr. Philips wished the committee to understand, that he was not imputing to the noble lord, on whose evidence he was commenting, or to any other gentleman who agreed with him in opinion, that these consequences were either intended or contemplated by them. He was aware that no person was less capable of intending such consequences than that noble

lord, but in remarking upon his evidence it was necessary to consider what his reasoning necessarily led to: and he defied any man to shew that the inference which he had just deduced was not its unavoidable result.

In considering the relation between the price of provisions and of labour, Mr. Philips observed, that it was necessary to distinguish the countries and the trades from which examples were taken. In a new country where the value of land is extremely low, and agriculture rapidly progressive, in a new and thriving manufacture, the price of labour may be so high in proportion to that of the necessities of life as to be little affected by their fluctuations. Whatever may be their price, the wages of the labourer will be more than sufficient for his comfortable subsistence. In such a country as he had described, the price of labour, as in America, might be permanently high, while that of provisions was permanently low. But this state of things cannot exist in old manufactures, such as those generally established in this country, where competition has reduced profits, and that reduction of profit has brought the wages of the labourer to a level with his subsistence in tolerable comfort. In such manufactures if you raise the price of provisions without proportionably raising that of labour, to what privations and evils must you necessarily expose the labourer! He was ready to admit with the noble lord that, *ceteris paribus*, the immediate effect of a high advance of provisions might probably be a reduction of the price of labour; because labourers being desirous of obtaining the same comforts that they had been used to, might be stimulated to more diligence. They might work sixteen hours instead of ten; and thus the competition for employment being increased among the same number of workmen, without any increase of demand, the price of labour might fall. But, will any person contend that this state of things can long continue? The labourer must go to the parish, or turn to some more profitable employment, if by chance any can be found, or he must emigrate, or work himself out by overstrained exertion. The proportion being then altered between the demand for labour and the supply, its price will rise. This effect sooner or later must happen; but till it has actually taken place how dreadful must be the situation of the labourer! Soldiers or sailors may no doubt

be put to a short allowance, and for a time subsist upon it; but will any man therefore contend, that they can permanently be kept on such allowance? The established order of things, the constitution of our common nature, (said Mr. P.) makes it equally impossible for a high price of provisions to consist permanently with a low price of labour.

After this reasoning Mr. Philips proceeded to examine the tables of prices of provisions compared with those of labour, which lord Lauderdale had delivered to the committee of the Lords. He observed, that if his reasoning were just, it would explain those tables, while the tables themselves would serve as a test of his reasoning. After remarking that there had been a considerable fluctuation of price, that of labour being sometimes low while the price of wheat was high, he stated the average of each as collected from the tables, and informed the committee that he had asked the hon. member for Glasgow (Mr. Finlay) whether, in the respective articles of manufacture referred to, such average price of labour was a fair price for the workman to receive at the given average price of wheat. The answer of that hon. gentleman, than whom no person was more capable of forming a correct judgment on the subject, uniformly was, "that in his opinion the given price of labour bore a very fair proportion to that of wheat."

Having thus shown both by reasoning and by reference to facts, that the price of provisions must ultimately and on the average regulate that of labour, he proceeded to show the effect that an advance of provisions must have on our manufacturing interests. And here Mr. Philips said, that he wished, on such topics, to reduce his reasoning as much as possible to numerical calculation. He would suppose, for the sake of argument, without at all entering into the enquiry, that three-fifths, or 60 per cent. of the labourer's wages were spent in provisions, and that provisions were 80 per cent. dearer here than they were in France, or any manufacturing country on the continent. By multiplying 60 by 80, and dividing by 100, the committee would see that the excess of the price of labour here above that of France would, from these datas, and according to his reasoning, be 48 per cent. He wished the committee to consider what must be the effect of such an excessive price of labour employed in our manufac-

tures, when compared with the low price of labour employed in the manufactures of France, and what an advantage it must give to the French manufacturers in their attempts to rival us on the continent. And here he begged the committee not to delude themselves with the notion, that because our manufactures had hitherto been superior in some respects to those of other countries, that superiority would be easily maintained. Our advantage had been principally in our superior capital, and establishments, and in the disciplined industry of our workmen. But capital did not belong exclusively to this country. It might easily be exported wherever it could be the most profitably employed. He had not had an opportunity of seeing the cotton manufactures of France, but he had conversed with several gentlemen more capable than himself of judging correctly of them, and among the rest with the hon. member for Glasgow, before referred to, who had lately visited that country; and they all concurred in expressing their great surprise at the state of those manufactures, at the extraordinary progress which had been made in them during the war, and at the excellent fabrics which they produced. In France establishments in all the different branches of the cotton trade are formed, and a large body of labourers and skilful mechanics is trained in them. The people and the government are zealous to encourage these manufactures, in which every gentleman, at all conversant with such subjects, must know that it is impossible for us to prevent any improvements made by our own countrymen from being introduced. The contest in the foreign market is beginning between the French and British manufacturer, and he believed it would be a severe one. Let us (said Mr. Philips) not aid our rivals in the struggle. If we artificially raise the price of provisions, we shall raise the price of labour, and in the same proportion we shall assist our rivals against ourselves. Do what we will, the price of provisions and labour must be higher here than on the continent. Let not parliament, therefore, unnecessarily and spontaneously increase the evil. Here Mr. Philips referred to a passage in Mr. Malthus's *Observations on the Corn Laws*, where the writer states that, "it must be allowed that a country, which possesses any peculiar facilities for successful exertion in manufacturing industry, can never make a full and complete use of its ad-



vantages, unless the price of its labour and other commodities be reduced to that level compared with other countries, which results from the most perfect freedom of the corn trade."

But we are told, that we ought to produce corn sufficient for our own consumption, lest in time of need foreign nations should endanger our very existence by refusing us a supply. This fear appeared to him chimerical. Is it possible (said Mr. Philips) to suppose, that the richest nation in the world, a nation having, unless you artificially raise the price of provisions, the greatest variety of the best and cheapest commodities to offer in exchange for any articles imported into it; that such a nation is to be starved, if it does not produce a sufficiency of corn for its subsistence; because, forsooth, other nations, wanting its commodities, and having more corn than they can consume, will refuse to relieve its deficiency out of their own superfluity? It does not at the present moment seem probable that attempts will again be made to destroy our commerce equal in power and malignity with those directed against it by Buonaparté! Yet, notwithstanding the immense means of hostility which he possessed, he found that even he could not prevent us from receiving corn when we wanted it. Surely the committee will not be persuaded that we ought to overlook or reject advantages arising to the country in the ordinary course of things, merely to guard against the recurrence of such an extraordinary and unprecedented combination of circumstances as may never again take place. Here Mr. Philips remarked, that our geographical position gave us assurance of security and peculiar advantages in the corn trade, fixed as we are between the countries producing and exporting grain, and those regularly importing it.

It appeared to him that one of the objections incident to the system of our corn laws was, that, by generally excluding import, they prevented foreigners from providing beforehand for our supply in case of need. On such occasions the fear of wanting the food necessary for our subsistence, spread through the country, and prices rose very high, and very rapidly. If, on the contrary, importation were generally permitted, foreign nations who grow corn would make ample provision for our supply in all circumstances, and prevent such sudden and violent fluctuations of price. If the fear of wanting

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supply in case we do not produce all the corn necessary for our subsistence, be not visionary, but well founded, why is it not expressed in reference to another commodity, the next in importance to our security, because essential to the very existence of our navy? He alluded to the article of hemp. Yet we find that our fleets can sail the undisputed masters of the ocean, though we do not grow hemp sufficient for rigging them. Here Mr. Philips expressed his diffidence respecting the calculations of remunerating prices which had been offered to the committees. On this subject the witnesses had differed greatly from one another. It must be obvious, that the remunerating price will vary with the varieties of skill and capital employed in cultivation, with the nature of the soil, the state of the currency, the wages of labour, the parochial and other taxes, and in short with the price of all the commodities necessary to the farmer's use and consumption. If, as he had contended, the price of provisions ultimately regulates that of all other commodities, a very great proportion of the expenses incident to the farmer must fall with the reduced price of his produce. The repeal of the income tax must also contribute towards lowering the remunerating price. Under all the circumstances of our present situation, it appeared to him, that the committee had not the means of making even a tolerably correct estimate of the remunerating price for the growers of corn, and were certainly not possessed of information sufficient to enable them to decide permanently at what price importation should be prohibited.

Mr. Philips said he was aware that, in proportion as a greater quantity of inferior land, of land less adapted to tillage, is brought into culture, the remunerating price will rise. But he entertained doubts of the policy of offering artificial encouragement to the extended tillage of such soils, which the evidence given to the committees shews can be cultivated only at a greatly increased expense. But if you are to encourage by legislative enactment the indefinite tillage of your worst lands, what is now a remunerating price will soon be found insufficient, and parliament, after the intervals of a very few years, may be regularly required to turn farmers again, to make fresh calculations of remunerating prices, and to raise the price at which importation is to be permitted.

Here Mr. Philips read the following extract from Mr. Malthus's pamphlet, before referred to: "The general principles of political economy teach us to buy all our commodities where we can have them the cheapest; and perhaps there is no general rule in the whole compass of the science, to which fewer justifiable exceptions can be found in practice. In the simple view of present wealth, population, and power, three of the most natural and just objects of national ambition, I can hardly imagine an exception; as it is only by a strict adherence to this rule that the capital of a country can ever be made to yield its greatest amount of produce.

"It is truly stated by Adam Smith, that by means of trade and manufactures, a country may enjoy a much greater quantity of subsistence, and consequently may have a much greater population than what its own lands could afford. If Holland, Venice, and Hamburgh, had declined a dependence upon foreign countries for their support, they would always have remained perfectly inconsiderable states, and never could have risen to that pitch of wealth, power, and population, which distinguished the meridian of their career."

He observed, that there were two ways of equalizing subsistence and population, one by increasing food, the other by limiting population, and warned the committee against being led into measures whose tendency might be to produce that effect in the latter way. Why (said Mr. Philips) should a commercial and manufacturing country like this, have such a jealousy and dread of the importation of corn? An importation of corn cannot take place without a corresponding export of commodities on which British industry has been employed. That export will increase your national wealth, that wealth will increase your population, and that increased population will produce an increased demand for your agricultural produce. In this way will all the great interests of the country be much more effectually and permanently benefited, than by a system of restrictions, and exclusive privileges, at variance with the best principles established in the science of political economy; and which, he had before contended, had produced injury rather than advantage to the empire.

Mr. Philips observed, that no country was so interested as this in establishing the principle of free trade, because no other country could profit equally by the

general recognition of that principle. Foreign nations mistaking, like the advocates of the regulations before the committee, the circumstances which have operated against our wealth for the causes of it, are now following our example. They are prohibiting or imposing restraints on the import of our fabrics, in order to encourage their own manufactures, from which they will receive inferior fabrics at a higher price. Let us convince them, by an example, of their mistake. Let us convince them, that by leaving industry and enterprise unfettered, and by allowing capital to take its natural and voluntary direction, we are persuaded that the true interests of this country, and of every other will be most effectually promoted.

Mr. Philips proceeded to say, that Great Britain was geographically a commercial country, that commerce had stimulated her agriculture rather than agriculture had stimulated her commerce. It had given wealth to her people, and diffused fertility over her soil. Take care, said he, that in attempting to change the natural character of your country, you do not stop the progress of national prosperity. At the present moment a great fall in the price of agricultural produce has spread a panic among farmers and land-owners. Such occurrences, whenever they take place, either in agriculture, manufactures, or in any other branch of commerce, produce serious inconveniences, and evils, which every person must deplore. They are incident to all sudden changes in the political relations of a country, whether from peace to war, or from war to peace. It is certainly very desirable to lighten the pressure of such a temporary evil as much as possible; and if any temporary measure should be brought forward for that purpose, it would have his cordial support. But he did not see the necessity of applying a permanent regulation to an evil that he conceived to be only temporary, particularly as he was convinced that the regulation proposed would raise permanently the price of provisions.

Mr. Western contended, that any injury sustained by agriculture would be felt by no class of the community more severely than by the merchants and the labourers. It was well done on the part of the House last session, to refer the consideration of this important subject to the present period. Every consideration was due to the feelings of the people, especially on such a subject. It was due to them to convince them that

the proposed measure would be as beneficial to them as to those to whom it more immediately applied. Every thing calculated to render the food and comforts of the lower classes cheap and accessible, was comprehended in the propositions of the right hon. gentleman opposite. By the laws of king William the principle of these propositions had been carried to a much greater extent. The object of those laws was to encourage the agriculture of this country, and render us independent on any foreign country for our supply of corn. Exportation was for that purpose encouraged by bounties, and importation prevented by duties so high, as, in fact, to amount to a total prohibition. The propositions of the right hon. gentleman, though in the same spirit as king William's laws, went by no means to the same extent. They were founded on a view of the comparative prices of grain, under which the landed and the commercial interests first began to thrive, had thriven, and continued to thrive down to the present day. Our manufactures had risen to their existing elevation under similar restrictions. The present object was to adapt the principle of ancient laws to modern exigencies, in such a way that no danger might ensue. His hon. friend who had just spoken, was apprehensive of the enhancement of the price of the necessities of life. He would meet his hon. friend on that ground. He would contend that the principle of the measure proposed was calculated to render, and in effect would render bread cheaper, than the principle espoused by his hon. friend. He would state this proposition—that the price of food in this country must and would come up to the price at which the producer of it would receive a remuneration adequate to the remuneration derived from other trades and manufactures. In saying this, he considered the comforts and the security of capital in agriculture as part of its profits; so that although the profits of the agriculturist were never equal as money profits, those comforts and that security of capital supplied the deficiency; and with respect to the importation of foreign corn, that had its limits—natural, such as the increasing wealth and population of the countries whence it was exported—artificial, such as the policy of different governments, or their impolicy, or the occasional dissatisfaction of the people, to which governments must necessarily give way, or

changes of administration, &c. &c. In France, at the present moment, the exportation of corn would cease by law when corn became 49s. a quarter. What security, then, had this country for a constant supply? But the laws of king William, instead of making her dependent upon foreigners for a supply, rendered her an exporting country herself. At one time Great Britain exported annually upwards of 600,000 quarters of corn. But in 1763 we stopped the export, and admitted corn from all parts of the world at 40s. which was before the export price. Here was a great and material change. If the amount of tonnage which had entered the British ports, within the last three or four years, were estimated, it would be found to amount to about 1,500,000 tons; but two thirds of the whole tonnage entering British ports, would only bring us 5 millions of grain. In 1764, the French issued a decree respecting the trade in grain, to the effect that all corn exported should be conveyed in French ships, navigated by French seamen. What should prevent other countries from adopting this practice if they found we depended on them for food for our manufacturers? If, then, this country placed herself in such a situation as to require the food, she placed herself in a state of double dependence. If foreign countries withheld their markets from our manufactures and their corn from our people, in what a situation should we be? Some people, however, thought of nothing but exclaiming, Give us a brisk demand. Thus far he had argued with the view of shewing that the price of grain would not be enhanced by the system long ago adopted, and which they were now merely called on to continue, but that on the contrary, for any term of years, the price would be lower than by the system for the encouragement of foreign corn. Were we to be dependent on foreign countries for any considerable part of our food, the constant alarm and dread of a failure in the supply which this would give rise to, would frequently enhance the price much more than it ever could reach under the regulated system. Consider, for instance, what would be the consequence if a fleet from the Baltic was delayed beyond its usual time? If he were to allow that there was a necessity that grain should be higher in this country than in foreign countries, that necessity arose out of our taxation. But this difference did not need to give that serious alarm to our manufac-

turers which they seemed to feel—and he would give his reasons why. Grain was not higher in proportion in this country to what it was in foreign countries now, than it was sixty years ago. On this subject, he confessed, he was not possessed of such ample information as he could wish. But he would take, with regard to France, the information furnished by M. de Montesquieu, the minister of the interior, who in his *projet* of a law to regulate the exportation of grain, went back a considerable way in his examination of the prices in France. According to this *projet*, from 1756 to 1788, the price of wheat in France, was 25s. 10d. per quarter English money. During the same period of thirty years, it was at 46s. in England. At present, the average price of wheat in France was 45s.; and he would take it in England at 80s. It was obvious, therefore, that the proportion between the prices of the two countries had not increased; and if the difference formerly did not prevent the success of our manufactures, he did not see why it ought to produce that effect now. The price of grain in England and France being, in the former period, as 26s. to 46s.; and at present, as 45s. to 80s. M. de Montesquieu, in speaking of the prices up to which grain might be exported in France, observed, that 40s. or 50s. a quarter was such a price as the people of that country were always able to bear. It was not, he then said, their true interest that grain should fall too much, for their wages would fall in proportion, and the other objects of their expenditure not falling at the same time, the workmen would thus run a risk of being in a worse situation than before. What was most injurious to the poor was, the frequent and rapid transitions from low prices to scarcity. That class was well known to be bad economists; and they frequently suffered greatly before they submitted to change their habits. A moderate price, exempt from vicissitudes, was more advantageous to them than a trifling economy in times of abundance; for it was well known that the too great facility of procuring subsistence was often destructive of their morals and activity. With respect to the manufacturer, he added, if he pays a little more to his workmen, he can lay it on his goods, and he ought therefore to be indifferent to a slight augmentation. The internal consumers being the proprietor who has sold his wheat to advantage, and the workman

who has received better wages, they are all enabled to augment their enjoyments, and consume more manufactured goods. If grain were to fall so low as some manufacturers would wish, who would purchase their goods? Certainly neither the proprietor, the farmer, nor the labourer. Such were the observations of the French minister of the interior, and they were certainly deserving of the most serious attention.

His hon. friend behind him (Mr. Philips) seemed to him to have contemplated, with great composure, the absolute destruction of the agriculture of a great part of the country. According to him, certain poor districts of this country ought to give way to certain rich districts of France and Flanders. He, for one, confessed that he did not well understand this policy. Did not, he would ask, these poor districts afford a market to our manufacturers? Did not Ireland, for example, take our manufactures in return for her produce? Was it not safer to rely on such a market, than on one in other countries? Of the one we might be deprived, but of the other we could not. We ought, therefore, in fairness, to give way something in extent of market, in consideration of the great advantage of security.

He would now advert to the subject of reduction of rents. It was very common with tradesmen and others to say, let rents be reduced. Suppose rents were to be reduced one half, what would be the consequence? One of two things must follow. Either the tradesman must look into his ledger, and see what the landlord's expenditure was last year, and if the rent were reduced one-half, write off from the ledger one-half of last year's bill: or that one-half of rent must purchase as much as the whole of the former year. What would be the consequence to the journeymen? In the one case the tradesman would be obliged to turn off one half of them; and in the other case, to reduce their wages one-half. But why were the manufacturers so anxious for a low price of grain? They did not wish this, because they supposed it beneficial to the labouring classes. They wished low prices, they said, because cheap bread would make labour cheap. It was not the money-price, but the actual quantity of the comforts and necessities of life which the wages of the lower people could command, which could enable us to pronounce on their situation.



In his conscience he believed that at 80s. a quarter more of the comforts and necessities of life were enjoyed by the labouring classes of this country, than was the case in those countries where provisions were lower. If we were to have foreign corn, it must be taken from the inhabitants of other countries. They would find that the people of Poland fed on inferior sorts of grain, which allowed wheat to be exported; and they were thus deprived of the fruits of the country they tilled, which seemed to belong in nature more to them than the inhabitants of other states. The labourer might pay more for provisions in this country than in France; but did he not also enjoy more of the comforts and necessities of life than the peasant of France, Flanders, or Poland? The reduced rent would be soon felt by the tradesman and manufacturer, as well as the farmer. But the reduced rent would not have such an effect on the prices of grain as was supposed. On this subject he had made some calculations: taking the agriculture of the most improved districts, upon the four courses in use, if they gave turnips at one and a half quarters, barley at five quarters, clover or beans at two and a half quarters, and wheat at three quarters, the whole would make 12 quarters; divide 12 by 4, and that would give 3 quarters per annum to the acre. He calculated that every 10s. which were added to the rent or expenses of land, made an addition of about 3s. to a quarter of wheat. If, then, he took the whole rental of the country at 30s. per acre, (and this he was satisfied was considerably higher than the rate at which it ought to be taken), it would be seen, that the annihilation of the entire rent would only effect a diminution in the price of corn to the amount of 10s. per quarter. This done, he would ask, could the English farmer compete with the foreign grower? No. Even after this reduction of his expense, the price at which he could grow and sell his corn, would be much above that at which the foreign merchant could send his corn into the market. The consideration of the rent, therefore, he held to be a very immaterial part of the subject. If a reduction of 10s. per acre were made in the rent of land, this would only diminish the price of the quarter of corn 3s. 4d. and this would only make a difference of about three farthings, hardly so much, in the loaf. The right hon. gentleman, in the propositions which he had submitted

to the committee, had followed the example set in earlier periods of our history; and he had followed it with cautious steps. In taking the import price at 80s. he had fixed on a price which ought not to excite any alarm. Could it be said that 80s. a quarter was a consideration which could give any uneasiness, or which looked like a scarcity price? The average price of wheat during the last 20 years was 83s. During the first 10 of these years it was 73s. If the price of wheat 10 years ago was 73s. could 80s. be now considered more than a fair price? During the first 10 of the last 20 years what was our taxation? In 1792 the whole of our taxes amounted only to 16 millions. When wheat was at 73s. the taxes were 34 millions; and at present our taxes exceeded 60 millions. In taking 80s. therefore, he was taking the very lowest rate at which the import price could be fixed. The assertion that the importation price was the lowest at which corn would be sold in England after the measure in contemplation had been carried into effect, he denied. On this subject, for proof, they could only refer to the experience of former times. During this, however, it would be seen, that while 62s. was the protecting price, and while a bounty was given on exportation, for a considerable period, the average price of wheat had been as low as 30s. per quarter. A more recent instance of this might be given from the rapidity with which the price of wheat had declined in the year 1813; when, in consequence of the expectations entertained of a peace, its value had sunk to little more than the half of what it had been. From the papers on the table, they would see this from the Deptford and Portsmouth contract prices in February and November of that year. The contract price at Deptford for wheat was, in February 100s. the quarter. In November it was 65s. 2d. and during this period it was to be remarked, more corn was exported from, than imported into Great Britain and Ireland. The Portsmouth contract price was, in February, 102s.; in November, 67s. 2d.

From these statements he thought it proved that the lowest market price of corn, was not necessarily that up to which the importation of grain was prohibited, and at the same time it would be seen how great the agricultural influence had become in this country, and how competent it was to maintain itself. It was now

established that we had the means of procuring a sufficiency of food for the population of the country, independent of a foreign supply. He was satisfied that we could not obtain from foreign countries any very large portion of the supply necessary for our annual consumption; but if our ports were thrown open, the British agriculturist would be intimidated by the dangers thus set before his eyes, and thus the most injurious effects would be produced. Our own farmers might be oppressed and kept down, and a foreign supply obtained when, in truth, it was not wanted. But if such a system were adopted, we should in time of need find that we could not command it. The danger might become more alarming than it had ever yet been. The difference of prices might in itself serve as a bounty on importation; and how far this might operate he could not tell. He certainly believed it was in the contemplation of the agriculturists of France and Flanders to endeavour to avail themselves largely of the advantages offered by the British market. All the evils which he anticipated might not arise from the free importation of corn; but who, he asked, would choose to be dependent on a foreign country for the supply of an article of such primary importance? Situated as this country was, equally the admiration and the envy of every other, it became their duty to watch carefully over its interests, to guard against its being dependent on any country, and least of all dependent on France. He did not believe that that difference in the price of bread, which naturally existed between this country and France, would ever materially operate to the prejudice of our manufactures. It was possible we might lose some of the markets, where we had been accustomed to dispose of our goods, but we might gain others. South America, if the emancipation of that interesting country was finally accomplished, as he, for one, ardently hoped it would be, seemed to open a new field for British industry, which he confidently anticipated would more than console our merchants and manufacturers for any disappointment they might meet with elsewhere.

Sir *Frederick Flood* assured the House, that he did not appear there as the representative or advocate of any particular class in society, either in Ireland, or this country. His object was, to protect the whole country at large from the influx of

that which could be grown at home, from foreign, and perhaps hostile powers, to the ruin of those interests more peculiarly dear to them. To his own knowledge, millions of barrels of grain were perishing in barns in Ireland, for the want of a sale; and why? because the foreign arrivals swallowed up every thing. Within the space of twelve months, 258,900 barrels of foreign grain had been imported into Great Britain. Surely this fact alone shewed the necessity of fortifying and encouraging their own growth, in preference to any other. The hon. baronet said, he was not an advocate of the agriculturist against the manufacturer, believing that the interests of both went hand in hand. The man who pretended to be the exclusive and separate advocate of either, was sure to be the decided enemy of both. Ireland was capable of supplying herself with grain, and exporting a superfluity; she was, therefore, entitled to a preferable protection; and let the House consider the innumerable benefits which must have followed to the manufacturing interests if the fifty-eight millions sterling remitted to foreign countries had been husbanded for domestic purposes. Suppose, for instance; in the event of a foreign dependance for grain a bad year had occurred abroad, then what an opportunity would be afforded to effect by starvation among us the decay of our protecting army at home. Was not Ireland, which furnished, and would in an increasing ratio, continue to furnish food to this country, entitled to a protecting security from foreign interposition? Great Britain and Ireland were now one, and engaged in a common cause; formerly they pulled opposite ways, but now he trusted the same wreath would entwine the rose, the leek, and the shamrock. The worthy baronet conjured the manufacturing interest not to hold themselves distinct from the agricultural. Nothing was so fallacious. If the one could not get a fair price for his labour, he could not go and buy at the other's shop. It is clear, then, the other could have no sale for his goods. Ireland gives you, said the hon. baronet, her labour for your workmanship. She has but two staple trades, the linen and her agriculture. If the manufacturer of England sets his shoulders to put down one of these, she will say, you are ungrateful, and she will withhold from your traffic that expenditure which would otherwise merge in it.

Mr. Baring declared his intention not to go very generally into the subject till the committee should sit again; but, at the same time, as several things had fallen from the right hon. opener of the Resolutions, and his hon. friend below him (Mr. Western), that ought to be noticed without delay, and as he expected there would not be many speakers on his side of the question, as the right hon. gentleman opposite (Mr. Rose), who had been said to have espoused the cause of the people, had taken no part in this debate, he should not let this occasion pass without offering a few observations on what had fallen from those who preceded him. With the right hon. opener he deprecated the notions which had got abroad, that this question was taken up by the members of the legislature merely with a view to their own private interests; but at the same time he could not but observe, that when these were affected, gentlemen most anxious for the good of the community at large were sometimes thought to take a narrower view of the subject under consideration than they were accustomed to take of political questions at other times. He could not help saying that a very peculiar interest must be taken in the value of land in that House, where the whole of its members were sworn to be landed proprietors. The right hon. opener of the Resolutions had said that the measure in contemplation, now that it was better understood, had not met with that violent opposition which it had experienced last year, when their table was covered with innumerable petitions. He (Mr. Baring) did not, for his own part, perceive that any change had taken place in the public mind, and if no new petitions had been presented, he thought it was to be accounted for, from the supposition that the parties were of opinion, that the vast number which they had poured in last year, had not been ineffectual. This to him appeared perfectly consistent and rational. The city of London, he understood, was preparing a new one, but he felt no anxiety to see the example followed in the present instance. As far as he was informed, there was no proof of the public mind having undergone any change on this question. At the only two country towns where the subject had been brought forward—where meetings had taken place for the purpose of petitioning parliament for an alteration of the corn laws, the people had risen in opposition to the ob-

ject of them. In both instances the parties had been hunted from the usual place of assembling, and obliged to adjourn to a room in an inn, where the friends of the measure passed their own resolutions. So much for the change in public opinion! At those meetings, as on the present occasion, the resolutions had stated (and doubtless those who made the assertions, believed they spoke truth), that the effect of their being carried into effect, would be to fix the price of corn at a moderate rate. This topic every gentleman dwelt upon, in order to make the measure palatable. How, he would ask, could this be possible? How, if such were the effect of the resolutions, could the purpose for which they were brought forward be answered, when the cry of each of the petitioners was, that if their corn was not sold at a higher price they must all be ruined? How, after this, could it be maintained, that the price of corn would be lower? A steadier supply might be furnished; but if this were effected, the public must pay a higher price for it. On a former evening, he had not denied that the corn question ought to be brought forward early; but he contended, that in the present situation of the country, while the currency remained in its present state, and while our foreign relations were not definitively fixed, no permanent measure ought to be adopted. In the evidence given before the committee, one of the most sensible men examined, Mr. Webb of Salisbury, had said, "I look upon the price of corn to be more affected by the circulation of paper money than by the increased amount of the taxes." The defect of our currency could not be remedied at present; and this, he thought, opposed a substantial reason to the immediate adoption of any permanent measure. This ought to be well considered from the great inconveniences ever attendant on an alteration of the established corn laws. In his opinion, the remedy to be now applied ought to be temporary. That the persons who were on this occasion their petitioners were as much, nay, more entitled to the attention of that House than the merchants and manufacturers, whose distresses had so often been brought before them, he was ready to admit; but this was not a case in which the parties could be relieved, like the merchants, &c. by a loan or by an issue of Exchequer-bills in their favour. He would therefore propose, that instead of 80s. per quarter, the im-

portation price should for the present be made 75s. to continue at that for a year, and then to be diminished 2s. yearly till the price fell back to that at which the importation of foreign corn was at present prohibited. Such a plan would uphold the agriculturist against the difficulties with which he at present had to contend, till his falling rent, relief from the war taxes, and other favourable circumstances should enable him to derive a fair profit from the produce of his land, though importation was permitted at 75s. the quarter. At present he thought the agriculturist ought to be relieved under the difficulties with which he had to struggle, difficulties which did not arise out of the actual circumstances of the case, so much as out of the alarm with which he had been seized. Mr. Webb had said in his evidence, that "If the price of corn went back to what it was in 1792, he did not see why all expenses should not in a length of time be reduced in the same proportion." And that this would be the case he (Mr. Baring) had no doubt. Why was the former at an increased expense? It was because the price of labour followed the advance of corn: This was a fact of which no country gentleman could entertain a doubt. From the evidence of Mr. Denmet, it appeared that the wages of labour were for the most part paid, partly in labour, partly in money, and partly in poor rents, so that the reduction of the price of labour must immediately follow a declension in that of corn. This he proceeded to shew would also soon be the case with the harness-maker, the wheelwright, the collar-maker, &c. The taxes on farms had been stated by Mr. Webb to amount from two to three per cent. an acre; thus it would be seen on a farm worth 500*l.* the taxes would be from 15*l.* to 25*l.* in which was included his riding horses, his servant in livery, &c. He could wish that, on a farm of 500 acres, the farmers expenses were specifically shewn. With the exception of two or three of the witnesses, who thought, when they were about it, they might as well name a good round sum as not, the outside of what they had named as a proper protecting price had been 8*l.*, though some had 72s., 73s., and 75s. would be a satisfactory protecting price; but the outside of what had been stated (with the exception before alluded to) as a fit price, was 80s. and this was named on a supposition, that their rents would be kept up, and their charges the same; but they had

it also on their authority, that these could not continue the same. The disbanding of the army, and a variety of circumstances, from the effect they produced on labour in the country, made this the worst possible time for making a permanent arrangement. He did not know whether the hon. gentleman (Mr. Western) had satisfied the committee that the present high rents had very little to do with the question; but he had not been convinced by his arguments. If he visited a farm of 500*l.* per annum, he was told that the rent was not so much a matter of complaint, as the taxes; if he looked into the taxes, they were nothing, the hardship was in the rent. He, for his own part, knew the rent must be of material importance. He at present received 1,200*l.* for an estate which formerly let but for 600*l.*; would it be maintained, that if he were again to reduce it to that sum, the tenant would not feel it of some importance to have 600*l.* taken off his shoulders. All that had been advanced on this point, he felt as being a mere excuse for keeping up the present high rents? He contended it was impossible for any evidence to shew more clearly than the evidence before parliament had shewn, that that artificial support of the agriculture of the country which had been called for would be improper. The hon. gentleman (Mr. Western) had said, this country could grow sufficient corn for its consumption. That the progress of agriculture had increased its produce, he did not doubt, and he could easily believe that it might be increased still more; but he doubted very much if it could ever be made to furnish a permanent supply equal to the consumption of its increasing population. If land would not produce corn without greater sums being expended on them than the corn was worth, they might be made to furnish a supply which would make us purchase our bread at eighteen-pence the loaf, when, if we exerted our industry on that same land to raise that which was congenial to its soil, by exchanging its produce against that of the corn lands of other countries, we might get our loaf for a shilling. The whole mass of the country ought not to be compelled to pay a high price for bread, that the experiment of cultivating barren lands might be tried. In nothing were the dispensations of Providence more admirable than in the care displayed, that the different soils of different countries should



yield productions which might be advantageously exchanged for each other; it was much better, then, that we should employ ourselves in raising that which we might so dispose of, instead of labouring to produce that which other lands were destined to supply. The right hon. gentleman had admitted this in other cases, but not with respect to corn. On this subject he had said, what could we do, if having thus made ourselves dependent on another country, that country, in the day of our greatest need, should close her ports against us! He would answer—experience had shewn that a country could never be starved. Holland was dependent on other countries for a supply of corn, and its price was and almost ever had been the average price of Europe. But then the danger of depending on France for a supply had been strongly urged. France, excepting in years of extraordinary plenty like the present, would send but little corn to this country. Our greatest supplies would be likely to be derived from the countries bordering on the Baltic. He put it to the committee, in opposition to what had been said of the danger of depending on foreign countries for our corn, if it could be anticipated that ever a period of greater difficulty would arrive than that which had occurred during the reign of Buonaparté, yet even while he was in power, in spite of his greatest hostility, more corn (three times over) had been imported into this country than ever had been before, within the same time, since the year 1697—more indeed than at any period of our history. To suppose any danger of this sort, was to suppose a thing wholly out of the question. He felt it his duty to state this not from any ambition of popularity (about which he was as careless as any man in that House), but from a sense that he owed it to the country. He, however, was anxious that the farmer should have relief in his distress, and as this could not be afforded by an issue of Exchequer-bills, or by a loan, he could wish to propose a temporary exclusion of foreign corn for a certain number of years, which would give the farmers an opportunity of paying themselves. Though his rents were reduced, he was satisfied the country gentleman would find his situation continue the same; and though the prices of some things had not come down as might have been expected—though posting had not been materially reduced, and the brewers still kept up the

price of beer, notwithstanding the declension of the price of malt—he could see no reason why that House, finding a change was about to take place, should resolve to oppose the return of things to their ancient and healthful state, by attempting to bolster up the price of corn by artificial means, which must prove injurious to the vital interests of the country. When he had heard the right hon. gentleman's resolutions, he intended to move on a future day certain counter-resolutions, which would go to fix the protecting price of corn at 75s. for a year, to fall gradually back to the present importation price. After the right hon. gentleman's resolutions had passed *pro formâ*, he hoped there would be no objection to go into the committee on Monday *pro formâ*, in order to receive those which he desired to offer.

Mr. Robinson explained. He said he had not argued in favour of a restrictive system as applied to corn, because that system had been found advantageous to our manufactures—he had merely mentioned it as an observation not altogether without weight.

Mr. Rose having been personally alluded to by an hon. gentleman who had just sat down, merely wished to say, that the reason why he had not in the course of this evening's debate offered himself to the notice of the House, was because he had understood that the Resolutions of his right hon. friend were merely now to be passed *pro formâ*, and the discussion upon them to be taken on a future occasion. With respect to his opinions, the hon. gentleman was much mistaken if he imagined that he had changed them during the recess; the fact was, that they were not only unchanged, but that every thing he had heard and seen upon the subject had tended to confirm him in the sentiments he had previously stated to the House. He complimented Mr. Robinson on the mode in which he had introduced the question to the House, and anticipated a full, fair, and candid discussion of the important subject. If the hon. member had any great anxiety or curiosity to hear him, he would probably be gratified on the next night the subject should be debated.

Mr. Baring explained, that he had conjectured that Mr. Rose had altered his opinion, from what he had seen stated respecting the interviews with the earl of Liverpool. He had feared that the right hon. gentleman had, during the recess, thought better of the matter, and had

changed his title of 'the Man of the People' for one of the new grand little crosses of the Order of the Bath.

Mr. Rose was surprised that the hon. gentleman was not yet aware, that such information as he had received regarding the interviews with the earl of Liverpool was unfounded.

Mr. Brand was unwilling to trouble the Committee upon the present occasion, especially after what had been said by the right hon. gentleman who had last taken his seat. He would either proceed, or defer his arguments until a subsequent occasion, according to the wish of the House. [Cries of Go on, go on!] He regretted that his hon. friends below (Mr. Philips and Mr. Baring), in the course of their speeches, had only touched on matters of lesser importance, shrinking from the main point of debate. They had not ventured to state what would be the situation of the poorer classes of the community, the vast majority of the people of England, if the resolutions were rejected. In Great Britain half the population was engaged in pursuits of agriculture, and what would be their condition were things to remain unaltered? What was their state at the present moment? The labourers were unable to procure employment from the farmer, and they were consequently thrown upon the poor-rates. When gentlemen argued in the way in which these resolutions had been opposed, it was necessary to ask them to whom the soil of the country belonged? It was not, in truth, the property of those who were called the proprietors, it belonged to the poor of the country, to those for whom our wise system of laws had provided, however ill those laws might in some cases be executed. By the refusal of the farmer to give employment to the labourer, he was thrown upon the overseer, who again sent him back to the farmer, and an immense number of these unfortunate individuals were now actually converted into what were called 'roundsmen,' being handed round from farmer to farmer, who was to endeavour to find them some employment, that they might not become complete burthens upon the parish. By these means perhaps they earned half their usual rate of wages; and how was the other half to be supplied, but from the poor-rates? One of the hon. gentlemen who had argued on the other side of the question, had quoted to the House the opinion of the learned

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Mr. Malthus. What was the fact with regard to that gentleman? During the last year, not having sufficient information before him to draw any correct conclusions, he had done little more than state the arguments on both sides. Ten days ago he had published a second pamphlet, in which having now received the information which was necessary before he stated any positive opinion, he asserted, "I now do not hesitate to declare unequivocally that some restriction upon the importation of foreign grain has become necessary." He repeated the words from memory, but he was sure he had given them correctly.—The hon. gentleman who last had advocated the other side of the question, had employed an argument which seemed calculated to mislead the country. He had contended as if it were meant by the supporters of the resolutions to be said, that their immediate operation would be to produce a low price of grain. It was impossible for any man to make such an assertion, much less for any man to believe it if it were made, for the object of this measure was not to make the price of corn extremely low, but to prevent it at any future time from becoming immensely high. Why was not the farmer to have some protection? Did his capital and his industry demand no consideration? Were speculating manufacturers only to be relieved, while farmers were to be placed at the mercy of the foreign grower? He had contended also, that the difficulties now complained of were attributed too little to rent and too much to taxes; but why did not this appear in some of the reports of evidence taken before committees of both Houses of Parliament? Why was not the hon. gentleman found putting questions upon this subject to the witnesses who he complained were so biassed in the testimony they gave? It had been said that these taxes, in truth, amounted to no more than about 15*l.* a year upon 500 acres of land. Certainly, the direct taxes might not exceed that sum; but who could calculate, at any moderate sum, the indirect taxes to which the farmer was subject, in a concern that required a capital of at least 5,000*l.*? He begged to state a fact that had come within his knowledge, in his own neighbourhood; the cultivators of the land had been accustomed to give their land a dressing of soot, which might cost 40*s.* per acre; but the effect was, that the crop was augmented one-fifth, or per-

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haps one-fourth. Of late this practice had been discontinued, and if, in consequence of difficulties, the same resolution had been made by the farmers more extensively through England, where should we be able to find a supply equal to the maintenance of one-fifth of the population, who would thus be deprived of bread? It was maintained that these resolutions were intended merely to delude the people, and to prop and bolster up individual and private interests by a show of justice; but he was convinced that no man, who dispassionately viewed the subject, would assert that the increased rent had been any advantage to the land-owner, compared to those he enjoyed previous to 1794, when, if his rents were low, his expenditure was still lower in proportion. The only object of all parties ought to be, and he believed was, candidly to discuss the subject, and to come to a determination that would render justice to all parties. As to what had been urged on the impropriety of making it a permanent measure, no man could suppose that it would be co-existent with the world, that circumstances might not operate to induce the House to alter the Bill that would be framed upon the resolutions. All he now contended for was, that some measure was, under the circumstances, required; and when the country arrived at that primitive state of innocence and simplicity which seemed to be expected by the hon. gentlemen on the other side of the question, when no restrictions were necessary, he should be as happy as any man in advocating a free trade, not only in grain, but in all other articles. He begged it, however, to be remembered how much the manufacturing interests of the country were indebted to the land-owners; they made and preserved all the highways; they maintained the clergy; they supported the poor, even the manufacturing poor; and they kept the soldiers wives. [Hear! and a laugh.] Why, then, should the manufacturer refuse in his turn to allow the farmer to partake of that assistance which he had lately so frequently enjoyed?

Mr. Rose said, that neither on the present nor any former occasion when this subject was before the House, had he ever said one word against the principle of protecting duties.

Mr. Philips, in explanation, said, that he was aware of Mr. Malthus's second pamphlet; and when he quoted his first production in preference to the last, it was

because he did not think it had been refuted by the last.

Mr. Marryatt said, he thought the resolutions, if adopted, would be highly injurious to some of the most valuable interests of the country, and was of opinion that the reasons assigned for adopting the proposed measure were by no means founded in fact. With regard to rents, the landholder had certainly for a great length of time enjoyed most extensive benefits, and the farmers must have had proportionate benefits, or they never could have afforded to pay their rents. In his own family there had lately been a small estate in the county of Sussex, the leases of which had expired, and it had been agreed between his brother and himself that it should be duly valued by a surveyor, who had put a price on it considerably more than double. In the case of another estate in the family, eighteen years ago the rent was only 300*l.* and it was now let for 850*l.* Surely, in cases of such an increase, which he understood had been pretty general throughout the kingdom, the landholders and those who farmed under them might afford to cultivate their lands, without those advantages which they now thought it necessary to claim at the expense of the manufacturing and trading parts of the community. The principal cause of the great importation of foreign corn which had lately taken place, was entirely owing to the interference of the legislature on the subject of corn last session. As soon as the corn-dealers abroad heard of the measure, they expected a bill would pass which would raise the price of corn; and they hastened to pour in as much as they possibly could, under the idea that it would readily be bought up; and he believed if the present measure were to disappear, the importation of foreign corn would disappear also. He thought it very wrong in the landholders, who had received from their high rents such great advantages from the long continuance of the war, should begin to complain in the very first year after that war was concluded. The hon. member for Norfolk had admitted last session, that his tenants could afford to sell at the then prices; and surely there was nothing so peculiarly heavy in the taxation they were liable to, as to warrant an interference on the part of the legislature which appeared to him fraught with so many mischievous consequences. It was attempting to confine the blessings of Providence to one

class of men only. It was shewing extraordinary anxiety for the interests of that class, without a due consideration of the injurious effects which such a measure must produce to the manufacturers. In a great commercial country like this, our manufacturers were as much entitled to the consideration of that House, as any other body of men. If they could not purchase their bread at a reasonable rate, our commodities must be undersold at foreign markets. He had been in France during the last summer, and from what he had seen he would assert that their manufactures were in a very thriving state. A friend of his, who had had an opportunity of examining into their situation more minutely than he had, assured him that one manufactory which he had seen was in a most flourishing state, and had obtained all Arkwright's machinery in the highest degree of perfection. If the present measure were adopted, he was afraid it would prove most mischievous. He thought 80s. was too high; it was a price fixed by the parties themselves, and was a war price with war taxes. He would support the measure as far as 75s. but could not agree to 80s. If the right hon. gentleman would modify his proposition, he should be glad to wave his present objection to it.

Mr. *Ellison* spoke in support of the Resolutions. He said, that rents had been so much spoken of, as if the excess of rents was the cause of the difficulties under which the landholders laboured. Now it was well known, that if no rents at all were paid, there were many thousand acres, which, at the present prices of grain, could not be cultivated. It was true, that the country owed much to its manufactures, but to encourage them it would be the worst policy to depress our agriculture. The true wealth of every country was to produce sufficient food for its own inhabitants: every necessary protection should therefore be granted to those by whom the land was cultivated.

Mr. Alderman *Aikins* said he should on the present occasion vote for the Resolutions, on the understanding that they were then to be agreed to *pro formâ*. The first resolution was, indeed, quite unobjectionable, being merely a resolution of the expediency of a general free importation under a bonding system.

Mr. *Long Wellesley* supported the Resolution, and said, that all that had occurred since last year, had confirmed him in the

opinion which he had then formed. He observed that too much had been said of rents in the course of the discussion, since that item of expense on the generality of soils, bore a small proportion to the other expenses of the farmer.

Sir *W. Curtis* observed, that six years ago laws were made for the protection of the farmer; where, then, was the enormous pressure which had since that time fallen on him which rendered farther measures of protection necessary? On the contrary, the property tax was about to be taken off, which would occasion a great reduction in the expense of raising corn. The amount of rents had been spoken of slightly by some gentlemen; but it was well known that in many instances, the rents had of late years been doubled, or trebled, which circumstance must have had a most material effect on the price of grain. The Resolutions were then put and agreed to, *pro formâ*. On the question that the chairman do report the Resolutions to the House,

Mr. *Robinson* said, that before the chairman left the chair, he wished to state the course of proceeding which he thought it would be most advisable to pursue. On Monday the hon. gentleman (Mr. Baring) might submit his string of resolutions to the committee, when having been agreed to *pro formâ*, on Wednesday both propositions might be re-committed and discussed.

Mr. *Baring* said, that as he had no objection to any part of the Resolutions but the regulation of the price and the time, he should adhere as much as possible to the form of the Resolutions proposed by the right hon. gentleman.

The *Chancellor of the Exchequer* proposed, that without the formality of committing the Resolutions of the hon. gentleman, they might be printed by an understanding, and be discussed with the other Resolutions on Wednesday.

Mr. *Banks* suggested, that as one set of resolutions only differed from the other in the price at which corn was to be admitted duty-free, and as to the duration of the measure to be proposed; it being the proposition of the right hon. gentleman, that the price should be 80s. and the time unlimited, and of the hon. gentleman, that the price should be 75s. and the time limited; the latter propositions might be moved as amendments, on a recommitment, to the Resolutions which had been already agreed to.



Mr. *Calcraft* observed, that notwithstanding the two sets of Resolutions which were proposed, he should think himself at liberty to oppose even the principle of both, if he thought it necessary.

Mr. *Tierney* observed, that it would be very advantageous if, when both the sets of resolutions were sent forth into the country, some time were allowed to ascertain the effect which they might have on the minds of the public. If a week were allowed, perhaps by that time the public opinion might be collected as to the merits of the different Resolutions, and even some approximation might be hoped for between the hon. and right hon. gentleman.

Mr. *Bathurst* observed, that all seemed agreed as to the course to be pursued. As to the day, the Resolutions might be ordered to be printed on Monday, and be ready for discussion on Wednesday.

The *Chancellor of the Exchequer* was not aware that the receiving the Report on Wednesday could be attended with any inconvenience. The measure was really so simple, that there could not be any advantage in longer delay; and by the present course no member was pledged to support its principle.

Mr. *Tierney* owned, that he did not consider himself bound to support the 75s. or any other price which had been proposed. But he wished, in order that the sense of the country should be better ascertained, that the Report should not be received till Monday se'nnight. He did not mean to say any thing more upon the subject of the measure now, but he conceived that what he proposed might probably save much useless discussion.

Mr. *Huskisson* certainly did not consider the right hon. gentleman pledged to the principle of the measure, but fully entitled to oppose it, if he thought proper, in its progress through the House. He did not see why any delay beyond Wednesday should be necessary.

Mr. *Tierney* observed, that a meeting at lord Liverpool's, where all the gentlemen were of one opinion on this subject, took two days to discuss it. [Cries of No!] At any rate they met on Tuesday and adjourned to Thursday to decide on the subject, and they were on both occasions all of the same opinion except the hon. baronet (sir W. Curtis), who was present as a target to be shot at. Why, then, if a meeting, where all were on the same side, took so long to decide on the question,

might not the members of the House of Commons, who were somewhat divided, be allowed a week to make up their minds?

Mr. *Robinson* observed that this was not a new measure. He could not conceive that a longer period than that proposed could be wanted, to enable gentlemen to make up their minds as to which of the two prices, 75 or 80 shillings, should be adopted. He did not see any precipitation of the measure in the course which he had taken.

Mr. Alderman *Atkins* stated, that had he known the measure was to have been so precipitated, he should have thought it his duty to divide the House. By the present course, he considered that the House would stand pledged to adopt either the one or the other of the prices mentioned. At all events, he hoped the farther consideration of the measure would be postponed to a later period than Wednesday.

The *Chancellor of the Exchequer* stated, that on Wednesday the measure would only be in its first stage, and the decision of the House would only be a preparatory step to bringing in a Bill, which would not prevent it from putting every interval it might think convenient, between the different stages of its progress. No more time had been allowed last year, and the receiving of the Report on Wednesday would not be more than the forms of the House required.

Mr. *Baring* thought, whatever might be said to the contrary, that on Wednesday the House was to be pledged to some particular point. Those who had thus bound themselves, would afterwards find it awkward to turn themselves round in the other stages of the Bill. It would be wiser in his Majesty's ministers, if they wished to conciliate opinions, to allow an ampler time, before the pledging vote of the House was called upon to be given. If they were willing to grant delays after that vote had passed, why should they not think them convenient before?

Mr. Alderman *Atkins* suggested Friday, as a day which might meet with the approbation of both sides. Should the House not agree to the Resolutions, of course the measure would fall to the ground.

Mr. *Robinson* acknowledged, that the measure would fall to the ground if the Resolutions should not pass; but should they be first agreed to in the committee, the measure would not yet be carried. He

illustrated this argument by the usual course adopted in resolutions of finance.

Mr. *Fitzgerald* thought that, on looking at the circumstances of the case, it was clear that no gentleman was bound to the principle of the resolutions. As to the amendment proposed with respect to the period of receiving the Report, Friday was already engaged. Gentlemen had argued as though it had been the intention of his Majesty's ministers on Wednesday next to take an ulterior step. That was not the case. What they proposed then to do, was only to put the House in the very position in which it now stood, and empower it to do what might this evening be done. And yet it was called precipitating a measure, to defer till Wednesday what might have been completed that night.

Mr. *Tierney* could not conceive any valid objection to the postponement required, nor could he suppose that any inconvenience would result from acceding to it.

Mr. *Huskisson* observed, that a very sound discretion ought to be exercised, because unnecessary delay would be inconvenient. The question to be decided upon this subject was, whether restriction or non-restriction should exist with regard to the importation of corn; and it was most material from various considerations, that this question should be decided as soon as convenient. As to opportunities for consideration and discussion, those would be amply afforded in the several stages of the measure. Should the decision of Wednesday be in favour of the principle of the Resolutions, no bill could be brought in until Friday or Monday, and thus a sufficient interval would offer to examine the merits of the proposition.

Mr. *Calcraft* thought it desirable that the House should, as soon as convenient, come to a vote upon this important question. Suspense upon the subject must be highly injurious, and it would be satisfactory to the country to know the opinion of the House, as soon as that opinion could be conveniently pronounced. Considering the time which had elapsed, and the discussions which had taken place upon the merit of the main principle of those Resolutions, he could not see why the House should not be prepared to express its opinion on Wednesday.

Mr. *Protheroe* observed, that a proposition to allow the importation of foreign corn at all times, subject, however, to the

payment of some duty which should afford the domestic grower an advantage over the foreigner, would not be so objectionable; but that he could not assent to any measure for the utter exclusion of foreign corn.

Mr. *Baring* objected *in toto* to the project for excluding foreign corn as a permanent measure of legislation; but he should have no objection to give temporary relief to the farmer, while he would avoid any alteration of the corn laws. He deprecated the idea of pledging the House on Wednesday next, and the more so, as it would require farther time to examine the merits of the Resolutions, which it did not seem so easy to understand.

Mr. *Bathurst* thought the merits of the question under consideration were fully understood, both within that House and without, and therefore he should protest against useless procrastination.

It was then agreed, that the Resolutions should be re-committed *pro forma* on Monday, and the Report be received on Wednesday.

## HOUSE OF LORDS.

*Monday, February 20.*

SIR JAMES DOWNIE.] Earl *Bathurst* stated, that in consequence of the questions which had been put respecting lieutenant-general Downie, he had made the proper inquiries, and found the circumstances to be these:—Lieutenant-general Downie never had any rank in the British army, and had received no pay as such: but he had been in the peninsula, in our commissariat department. He obtained permission to raise a Spanish regiment, which he did; and having ingratiated himself with the Spanish authorities, he rose rapidly in that service. Whether he was in the army which was appointed to act against South America, he did not with certainty know; but in all probability he was in that army. With Spain this was a great national object, whoever were the parties in power, as much so as ever any of our colonies were with us; and it was not probable that sir James would refuse to serve in the prosecution of an object which was of the highest national importance to those to whom he was under so much obligation. So very national was this object in Spain, that at a time when their finest provinces were in the hands of the French, the arms, the clothing, and the money sent them by Great Britain for

their own defence, had been in a great measure appropriated to the purposes of an expedition against America. Lieutenant-general Downie had here merely the half-pay of the civil appointment which he had mentioned.

The Marquis of *Lansdowne* recurred to the consideration of sir James Downie having received pay to a late period from this country. He doubted not, as the noble secretary of state had said, that it was only half-pay; but still it appeared from a document laid before the other House, that he had received pay and allowances to a very late period, though in what capacity did not appear.

Earl *Bathurst*, in explanation, referred to the circumstance of sir James Downie having raised a regiment in Spain, as did some of the noblemen of that country. He was paid for that service in the way that others were, and he believed the allowances alluded to were for arrears due in that capacity.

SPANISH SUBJECTS SENT FROM GIBRALTAR TO CADIZ.] Lord *Grenville* said, that it had been intimated to him in the course of the summer, that certain Spaniards who had sought refuge in Gibraltar had been delivered up by the governor to the Spanish authorities, and he had in consequence taken an opportunity to apply to a noble friend of his (earl Bathurst), to whom such an application he was sure could not have been made in vain. His noble friend on that occasion promised that an inquiry should be immediately instituted into the circumstances, and that steps should without delay be taken as the circumstances should seem to require. In the full confidence that this promise would be punctually fulfilled, he had hitherto abstained from saying any thing on the subject. But not having as yet been given to understand that the Spanish government had yielded to our representations, and released the individuals in question, it was quite necessary now to ask his noble friend to state, if he had no objection, in what situation this matter at present stood, and whether the persons alluded to had not been released at the intercession of the British government? There could be no doubt but that the delivering up of these men was a high crime on the part of the officer. It would have been a crime in an officer of any European power, but it was more peculiarly criminal in an officer of this country, where no

such power was vested in any officer, not even in the king himself. It was a part of the law and constitution of this country, as old as Magna Charta itself, that strangers who resorted to this country should be protected, and enjoy the benefits of its constitution and liberties; and to deliver up strangers in this situation to the power of a bloody and despotic government, was not less criminal than it would have been to lay hands on a native British subject, and give him up in the same manner. He had waited on his noble friend to express the utter indignation which he felt at this act of oppression, and he had the pleasure to find that his own indignation was not greater than that of his noble friend, and of the ministers in general, when they discovered that the delegated authority of the British government had been prostituted at the feet of Spain, by giving up to an odious and sanguinary despotism the martyrs to the freedom and independence of their country, while flying, after their glorious struggle, to those dominions where they believed, that they who had fallen victims to the cause of liberty and national independence could never claim hospitality and protection in vain. It was not sufficient to have disapproved of this gross irregularity of the British governor. There was no treaty by which this country was bound to deliver up these men. They were given up in direct violation of our own constitution and laws; and we had a right, upon the clear principles of the law of nations, to demand that the Spanish government should not take advantage of the error of our officer; and we were bound to insist, that the injured individuals should be released, and replaced in an asylum which they might consider as safe. There was no pretence on which the Spanish government could justly refuse to accede to this application. He said nothing of past benefits, nothing of present advantages; but, on the ground of the common relations of friendship between two nations at peace with each other, we had a right to insist that these men should be replaced where there existed no power, without positive statute, to deprive them of the benefit of our constitution and liberties. It was due to justice, to the honour and character of the nation, that these victims of the ignorance of our officer should be replaced in that country where they had expected to find safety and protection, and which ought to be known to all Europe as a sacred and invio-

lable asylum. He hoped, therefore, that his noble friend would have no objection to state, that applications for their release had been made to the Spanish government, and were still making; and he trusted also that he would be enabled to state that it was likely the demand would be complied with.

Earl Bathurst said, that having heard the case of four Spanish gentlemen who had sought refuge in Gibraltar, and had been delivered up to the Spanish government by the governor, and having seen a letter to lord Holland, and an address to the Prince Regent on the subject, he had lost no time in taking the sense of his Royal Highness on this matter. He had caused every inquiry to be made into the circumstances, and application had certainly been made to the Spanish government for the release of these gentlemen, though, he was sorry to state, without as yet having produced the desired effect. He confessed the case had made a stronger impression on his mind at first, than the circumstances as they afterwards appeared seemed to demand. General Campbell, by whom the men had been delivered up, was dead at the time the application had been made to him; but the state of the case was this. These four men, when the Cortes and Regency were in power, had been engaged against the royalist party; but were set at liberty in consequence of an act of indemnity, passed to a certain extent, at the instance of the British authorities. They were afterwards seized, and sent to Cadiz; and there they prayed to be released through the interference of the British, who, they said, were parties to the indemnity. The Regency and Cortes, however, stated, that they had been seized in consequence of subsequent acts. They then came to Gibraltar, and applied for protection; but had been delivered up. There were two circumstances, then, with respect to which he had been under a misapprehension. In the first place, the capitulation or declaration of indemnity was not ours, and the acts for which the men had been seized had occurred during the authority of the Cortes and Regency. He did not, however, intend to justify the conduct of the British governor, nor did he by any means say that there did not exist grounds for very strong representations on the subject to the Spanish government, and such representations had been made; though he was sorry, as he had already stated, that those re-

presentations had not as yet been attended with the desired effect.

Lord Grenville said, he was quite satisfied that his noble friend had no desire to justify the conduct of the British governor, but none of the circumstances stated by his noble friend in the least touched the ground on which he (lord Grenville) had rested the question. That ground was, that by the laws and constitution of this country, strangers resorting to it as well as the natives were entitled to the benefit of our liberties. If these strangers had been convicted of the most heinous murder, whatever might be their offences and crimes, still not even the king himself, and far less an inferior governor, had the power or the right, without a positive act of the legislature, to lay hands upon them and deliver them up. Whatever, therefore, might be the merits of their case in other respects, it was wrong to give them up; and we had a right to demand that they should be replaced under that protection of which they had been deprived by collusion between the British and Spanish officers. He had no wish to press harder upon the memory of general Campbell than the circumstances absolutely demanded, and he ought now to state that he had heard him well spoken of; but he had in this instance been guilty of a mistake, and, he must say, a most reprehensible mistake. In this respect, there was no difference between a stranger and a native-born subject. In both cases allegiance was required, and in both protection was due; and, therefore, it was not sufficient merely to make representations, but those representations must be urged, and the demand insisted upon. It could not be passed over, unless we were prepared to surrender the honour and independence of this country, and lay them prostrate at the foot of the Spanish government. If the object could be attained by representation, so much the better; but if success in that way should appear desperate, then it would be necessary to adopt more effective measures.

TRANSFER OF GENOA.] The order of the day being read,

The Marquis of *Buckingham* rose, pursuant to notice, to move for the proclamations of lord William Bentinck and general Dalrymple to the people of Genoa. The noble marquis said, that if there was any duty more incumbent on the government of a country than another, it was that of



redeeming the pledges made in its name, and with its authority, by its officers. If there was any thing more base and dastardly in a government than another, it was the leaving it a matter of doubt, whether the acts of the officer were really the acts of the government, or the acts of the agent himself exceeding his commission. He said, he was speaking of a measure which was concluded; so that there could be no pretence for refusing the papers on the ground of a pending negotiation. It was now partly his object to bring the principles which he had stated to the test, and to call upon the executive government to avow their support of the acts of their agent, or to disavow those acts if they did not support them. Looking at the proclamations, he should think that the agent had the support of the government; but when he observed their silence on the subject, he should rather be induced to think that the agent had not that authority. They appeared to have been willing to take all the advantage of the proceedings of their officer, still reserving to themselves a hole to creep out from the inconveniencies of his engagements. The noble marquis said, he had taken too limited a view of the question on a former evening; he now boldly protested against the whole system of spoliation, plunder, and aggression, which began with the French revolution, and appeared now to be adopted by us. The noble Secretary of State had said the other day, that the transaction was not completed, and that the time for explanation was not yet arrived: but he called upon the noble earl to produce the documents, which would prove that the transaction was completed. The noble earl knew to what he alluded. The document was in the office. Let him produce the protocol of Congress of the 12th of December. It was known, and had been discussed at Genoa, and must be known here; and by that document the territory of Genoa had been irrevocably transferred to Sardinia. But then it was said, the time for explanation had not arrived: but if the act was completed, when could a more proper time arrive? Who was to be the judge of the proper time? If the accused was to be allowed to take his own time for his defence, when could they hope for a verdict? This was another extraordinary notion on the subject of responsibility, in addition to the strange doctrines which had lately been broached respecting it, and that, too, by some learned

persons, who had said, that when a force was raised for a certain purpose, it might still be kept up, after the cause had ceased—upon the responsibility of ministers. The noble marquis then adverted to the proclamations of lord William Bentinck, calling upon the Italians to fight for their independence, particularly that issued at Genoa on the 26th of April, 1814, in which a distinct pledge was given that the Genoese should be restored to all their ancient privileges under their former established government. He asked, whether lord William Bentinck was authorized by ministers to give such a pledge? There could be no doubt that the Genoese had assisted our troops in expelling the French in consequence of this promise so distinctly made; and what followed? The 1st of January last was fixed on as the period when the Genoese should return to their ancient establishments and their former independence. In the mean time, on the 12th of December, a protocol was agreed to at the Congress, transferring the city and territory of Genoa to the king of Sardinia, and on the 27th a proclamation was published by general Dalrymple, commanding the British troops at Genoa, stating this fact, and ordering the people to obey the new authority set over them, in the person of the king of Sardinia; and also stating that he had orders to that effect from the Prince Regent of England. Was lord William Bentinck authorized in the first instance to hold out such a pledge to the Genoese people? And was general Dalrymple authorized, in the other instance, by the Prince Regent's government, to be the instrument of sacrificing the independence of this people, which, by the first proclamation, this country was pledged to protect? How did ministers reconcile these contradictions? The noble earl opposite must have the means of giving information to the House. The protocol was published at Genoa, and purported to have been agreed upon by the contracting parties to the peace of Paris, in communication with the Genoese deputies. What were the facts? The allies, at the peace of Paris, guaranteed to Austria all that formerly belonged to her in Italy, and established the principle that the other states should be restored to their former independence. Was it not an indisputable fact, that Genoa never did belong to the House of Austria, but was, on the contrary, independent? Yet, in defiance of the most solemn treaties and

engagements, this protocol purported that these same powers who had signed the peace of Paris, had agreed to sacrifice the independence of Genoa, by transferring it to Sardinia; and it was alleged to have been done in communication with the Genoese deputies, although these deputies were not admitted to Congress, and solemnly protested against the act, and although the Genoese people as solemnly protested against this gross violation of faith. He did not ask for information respecting any measure in progress respecting any negotiation now depending, but respecting a measure already determined upon, already carried into effect—a measure, which upon the face of it, was a gross violation of faith on the part of this country, and which, even on the miserable ground of expediency, could not be justified, since we had opened to France, by giving up to her the mountain passes of Savoy, a way into the heart of that country; and then, by way of indemnity, had given Genoa to the king of Sardinia, in violation of every principle of justice and good faith. Thus supporting the grossest impolicy by other acts of gross impolicy and injustice, and sacrificing the character and honour of the country, by setting up and maintaining those very principles of spoliation, against which we had carried on a twenty years war. The noble marquis after forcibly dwelling upon these topics, concluded, by moving for the proclamations of lord William Bentinck and general Dalrymple, and such extracts from them as could be communicated without detriment to the public service.

The Earl of *Liverpool* observed, that when what he had said on a former evening upon this subject was recollected by their lordships, they would see that his Majesty's ministers were not in the slightest degree disposed to shrink from the discussion of this particular topic. On the contrary, he had declared their willingness, when the proper opportunity should arrive, of not only fully discussing that, but every topic connected with it, in the clearest and most comprehensive manner; and, consequently, that they were willing to produce every possible information on the subject. At the present moment, however, he felt it his duty to oppose the production of the papers called for on other grounds, and which he had also referred to in the first instance. Under the present circumstances, he must deprecate all partial discussions, as must be the con-

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sideration of single or separate topics, such as that referred to by the noble marquis. And what had fallen from the noble marquis clearly evinced, that the particular topic could not be fully or fairly discussed, without entering into a detailed consideration of many others, which it would be perfectly inconsistent to do at present. He would repeat, that, when the proper time should arrive, and which, he trusted, was not far distant, he pledged himself to prove, that not only with respect to the particular measure of Genoa, but every other connected with it, there had not been the smallest breach of faith on the part of the British government, nor any expectations held out that were not eventually realized. And, he must observe, that there were many facts, of which the noble marquis appeared totally ignorant, and other circumstances in the transaction which (he did not mean intentionally) he had greatly perverted. He requested their lordships only to suspend their judgment until the whole of the case should be before them. Considering the subject in this light, he would move the previous question on the noble marquis's motion at present, with the understanding, that at the proper period he should cheerfully produce the papers.

Earl *Bathurst* denied that there was any desire in his Majesty's ministers to shrink from inquiry; but these papers could not be adduced without involving subjects on which the House had yet no means of judging. The question divided itself into two; first, the policy, and second, the honour of England. The policy was only to be determined by the general result—their lordships might rely upon his solemn belief, that the honour of the country was secure, and that no engagements had been entered into which had not been fully performed. He himself, from the situation which he held, had a peculiar anxiety that investigation should be speedy; but painful as it was to live under imputations, nothing should induce him to clear himself at the expense of the public interest.

The Duke of *Sussex* adverted to the transactions in Italy, particularly as connected with the negotiations with Murat, and observed that they peculiarly called for investigation, notwithstanding the silence maintained by the noble earl opposite. The independence of Genoa had been promised by this country long anterior to the proclamation of lord William

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Bentinck, as the reason alleged by Buonaparté for annexing the Ligurian republic to France, was, that we were resolved upon establishing its independence. How it happened that these repeated promises had been violated was a matter for serious discussion, and he thought it of much too serious moment to be got rid of in the way attempted by the noble earls opposite, there being many points connected with the subject, particularly as connected with the commerce of this country, which called for the grave consideration of their lordships.

Lord King condemned the conduct of ministers with regard to Genoa, and observed, that by the annexation of Hildesheim to Hanover, we had been led on to accede to principles of injustice, which violated the faith and disgraced the character of the country.

Lord Grenville contended, that a case had been made out with regard to Genoa, which no evasion of ministers could get rid of; it being ridiculous to say that any discussions regarding Saxony and Poland could have any effect upon what had been already done with respect to Genoa. From what had already been published, there could be no doubt that Genoa, after being promised its ancient independence by this country, had been delivered over, oppressively and unjustly, to the king of Sardinia, to whose rule, more than to any other, they were hostile; and for this act of perfidy no excuse could be derived from any part of the discussions respecting Saxony and Poland. He lamented to see that such an example had been set to Europe; and that, as if it was a principle agreed upon, this country had completely precluded herself from interfering with any good effect in the further proceedings of Congress, by thus putting herself forward as the violator of every principle of justice and good faith. When the time was to come for the whole transactions of Congress to be laid before parliament, he knew not, but he was afraid nothing would redound from them to the honour of this country. It was, however, too much to say, that parliament should not interfere in the progress of such a negotiation, it being an admitted principle that parliament, if it saw any act which required its interposition, might interfere to save the honour and character of the country from disgrace.

The Lord Chancellor contended, that the terms of the motion showed it to be im-

proper with a view to the discussion of the question, from the words, "such extracts as were not detrimental to the public service," thus proving, that until the whole case was before parliament, it would be most unwise to discuss a point which was intimately connected with it, and could not therefore be taken by itself. This was not the time for putting the servants of the crown upon their trial, nor could they be justly placed in that situation till all the evidence was forthcoming.

The Earl of Darnley supported the motion.—After some explanation, and a short reply from the marquis of Buckingham, the House divided on the previous question:

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## HOUSE OF COMMONS.

Monday, February 20.

SIR JAMES DUFF.] Mr. Whubread gave notice, that on Wednesday se'nnight he would move an Address to his royal highness the Prince Regent, on the subject of the conduct of sir James Duff, general Smith, and several other persons, with reference to the giving up of certain Spanish subjects. He recommended to the right hon. the Chancellor of the Exchequer to inquire before that period, whether any memorial from one of those Spanish prisoners who were tried at Cadiz, had been received in this country. He understood that one was written, and that sir James Duff undertook to forward it to general Smith; and he should be glad to know whether such a document had ever been received by the latter gentleman.

STATE OF THE CORN LAWS.] On the order of the day for going into a committee of the whole House, to consider further of the state of the Corn Laws,

Mr. Baring said, that having declared his intention, on a former evening, of laying before the House a series of resolutions, counter to those already proposed on the subject of the corn laws, he had, on considering the question more maturely, conceived it would be better both with reference to the convenience of the House, and to the sentiments of those gentlemen who thought with him, that whatever measure was proposed should be of a temporary nature, to adopt the opinion of the hon. gentleman below him (Mr.

Bankes), and not to bring forward any counter-resolutions; but to propose, in the committee, on Wednesday next, that the measure should be a temporary one, and afterwards, if the House should agree on that point, to submit such prices—such a scale of reduction—as, upon the whole, would appear to accord best with the general sentiments of the committee. His intention originally was, to have stated, in his resolutions, the cause of the general agricultural distress, and the reasons why a temporary measure ought to be preferred. But it afterwards occurred to him, that many persons, who agreed with him in considering a temporary measure the most advisable, would not admit the arguments by which he should have endeavoured to prove the utility of adopting the principle he was desirous of establishing.

The House agreed to go into the said committee on Wednesday.

COMMITTEE OF WAYS AND MEANS — NEW TAXES.] The Chancellor of the Exchequer moved the order of the day for going into a committee to consider further of Ways and Means for raising the supply granted to his Majesty. He also moved, That the several accounts presented in the last and present session of parliament, relative to the public revenue; and the Act of the 54th of his present Majesty, chap. 57 and 64, for continuing certain war duties, be referred to the said committee; which was ordered accordingly. The Speaker having left the chair,

The *Chancellor of the Exchequer* rose, and addressed the committee. He observed, that it would naturally be expected from him, to assign to the House the reasons which induced him to submit to its consideration the Resolutions he was about to propose, before the financial arrangements of the year had been completed, and could be distinctly laid before parliament. That statement he would make, as briefly as the nature of the subject would admit. The committee would recollect, that, on the 5th of April next, the property tax would expire; and that, on the 5th of July following, the other taxes, for the service of the country during the war, would also cease and determine. It was, therefore, important for the House to take into consideration, as early as possible, whether the renewal of those taxes should take place, or whether the sum necessary for the public exigency, should be raised in some other manner. It was not his intention to pro-

pose to the House, (as he had already announced), a renewal of the property tax. With some, it was a matter of doubt, whether that tax should be suffered to cease; but his own opinion was, looking to the ratification of the treaty with America as an event almost certain of taking place, that it ought to expire at the stipulated time. He was bound, however, to state, according to the best of his judgment, that the House could not, on account of any expression of feeling in the country, be precluded from entering into the consideration of the propriety of renewing the property tax, if circumstances rendered its re-enactment necessary. The parliament of 1803, or of 1806, could neither bind themselves, nor succeeding parliaments, not to consider, with reference to this tax, circumstances which they could not foresee. He could not conceive any such thing as a contract between the Commons in parliament assembled, and the Commons at large, by which the former stipulated that they would not, under any circumstances, resort to a particular measure. Whatever might be the situation of parliament, they could not enter into a contract or bargain with the subjects of the realm at large, whose representatives they were, and whose interests were identified with their own. The public, represented in parliament, might indeed take possession of individual property, by the borrowing of money, and in many other ways; and parliament was bound by the contract with that individual, because the parties were in such a case separate and distinct; but between parliament and the public in general, there could be no contract. The parliament could not forego that power by which it was authorized to legislate—to frame such laws as the necessities of the country required; a proposition, he conceived, which a little consideration would prove to be indisputable, notwithstanding what had been repeatedly advanced to the contrary, by those who spoke of a compact having taken place between the parliament and the people, on the subject of this particular tax. Having stated, however, that it was not his intention to propose a renewal of the property tax, he begged leave to call the attention of the House to the very important benefits which the country had derived from it. A right hon. gentleman (Mr. Tierney), not long since, had begged pardon of God, and of the public, for the part he had



taken in imposing this tax, in the year 1806. He hoped the right hon gentleman's conscience was not so tender, as to give him much pain for that offence. [A laugh]. For his own part, he must confess, that, having taken a far more prominent share in the imposition of the property tax than the right hon. gentleman had done, there was no circumstance of his public life to which he looked back with greater pleasure and satisfaction. The property tax and the other war taxes, formed the means by which the public credit had been upheld. They had enabled Great Britain to persevere in that arduous but necessary contest, which had been recently terminated, and by which the deliverance of the world from slavery and oppression, was happily effected. By the war taxes, a funded debt of 305,000,000*l.* had, since the peace of Amiens, been saved to the country, which was thus freed from an annual charge of above 14,500,000*l.* There had been actually paid by the property tax, 126,000,000*l.* of money, by which an additional charge of above 180,000,000*l.* of stock and almost 9,000,000*l.* of permanent taxes had been avoided. With this would the country have been burthened, if it had not been for the operation of this tax, which had been so much reprobated. If indeed the property tax, productive as it had been to the public service, was of a nature so extremely odious and offensive as some persons imagined, however it might be justified by the necessity of the case, it was a measure which he could not, under such circumstances, venture to recommend. But, greatly differing in his opinions on that subject, he wished it to be considered as a great and powerful resource, which, in times of public emergency, might and ought to be resorted to. They had been told of the inquisitorial nature of this tax, and of the tyrannical manner in which the powers derived under it were exercised. He, however, believed, that the commissioners (and here he spoke of men subject to human infirmity) had always acted according to the fair dictates of their judgment. He was convinced, that their motives were most pure, patriotic, and laudable. It should be recollected, that the duties created by the Act, were not performed by men appointed or paid by the crown, or having any interest divided from the mass of their fellow-subjects. They were performed by the same

set of gentlemen to whom the country was indebted for the preservation of tranquillity; by that set of gentlemen who were in the commission of the peace, and who administered the internal affairs of the kingdom in a way highly honourable to them, and no less beneficial to the nation in general. Perhaps no circumstances more honourably distinguished this country or more contributed to its prosperity, than that the whole of its internal regulations were managed gratuitously, by gentlemen generally of ability, and, in every instance, strongly impelled by feelings of public spirit. Any observations which might be levelled at the character of this meritorious class of individuals, he should always repel to the utmost of his power. With respect to the authority exercised under the Act, he believed it would be found, that, although it might be capable of amendment, yet there were none of its provisions that could not be fully justified by a reference to enactments made in the best times this country had ever seen, and which were not adopted until they had received the most mature consideration. He was sure that no gentleman could resort to a period more dear to the friends of liberty, than that which immediately followed the reign of king William. He would call the attention of gentlemen to the Act of queen Anne, passed on the renewal of the French war, for the purpose of defraying the subsidies of that time. He alluded to the 1st of Anne, sess. 2, ch. 15. After agreeing to the land-tax, several acts were passed for raising the necessary supplies. By one of these, a duty of 50*s.* per cent. was imposed on the capital of stock in trade; 25*s.* per cent. on debts at interest; 4*s.* in the pound on pensions and annuities; and 4*s.* in the pound on professional profits. Thus it appeared, that the Act he now adverted to was similar to that which was about to expire. But it had been said, it would be better to contribute 15 or even 20 per cent. to the exigencies of the country in any other way, than to pay 10 per cent. collected in a manner so inquisitorial and oppressive. Now, he would ask, what were the powers under which those imposts were collected in the reign of queen Anne? The collectors and assessors were compelled, under penalties, to undertake the execution of the Act. The commissioners were authorized to summon before them any person who neglected to make a return; and the same com-

missioners, or the major part of them, had a right, under this Act, to examine on oath, and to take all lawful means to find out the truth of the statements made by those who appeared before them. All traders were called on to give a full and particular statement of the whole quantity, kinds, and value of the stock-in-trade for which they were liable to be assessed, and, in suspected cases, assessors were empowered to enter any shops, warehouses, or other places whatsoever, "to take an account thereof, and to view and value the same; the value to be calculated at the rate the goods are worth to be sold for at the time of assessment." Individuals were, in like manner, compelled to give in a statement of the gross sum of money they had at interest; and if they neglected to deliver it, or produced an erroneous account, they were subject to the summons and investigation of the commissioners. Under the Property-tax Act, the oath of a party chargeable is, in all cases, conclusive; but by that of queen Anne, although the parties may swear that debts are desperate, "the commissioners are to inform themselves, and to charge or discharge, as they see cause."

Now, with respect to the property tax, it would be found, that, wherever it was possible to make an estimate by reference to the property to be charged, and without ulterior inquiry, it was always preferred. Like all other efforts of legislative wisdom, the Act undoubtedly had its imperfections. With regard to funded and landed property, the mode of charge was clear and plain. With respect to funded property, it might be considered as absolutely perfect, as it admitted no possibility either of evasion or overcharge; and with respect to landed property, it approached very nearly to perfection. But, with reference to trade, it was obviously imperfect. An extensive power was inevitably and necessarily obliged to be given to the commissioners for the purpose of procuring regular returns. If, at any future time, the tax should be renewed, with such an amendment as would ensure true returns without having recourse to the power he had just noticed, he thought that was all the improvement that could be looked for. In the Act of 1803, a clause was inserted, permitting a private examination before referees appointed by the parties. This he considered as a great advantage to the persons making returns, at the same time that it would not impair the revenue col-

lected under the Act. At a subsequent period, however, this clause was omitted, having been seldom acted upon, and appearing not likely to answer the purposes intended.

Having stated the importance of the property tax, and, at the same time, thus slightly entered into some of its provisions, he should now shortly state the reasons which led him to conclude that it would not be advisable to have recourse to it at this moment. In the present year, a large sum would be required to wind up the expenses of the war, which it would be necessary, in consequence of the abandonment of this tax, to raise in some other manner. Now, although he was of opinion that the property tax ought not to be continued in time of peace, yet he thought that it might, very properly, have been made use of for the present year, in order to enable the country to defray the ultimate expenses of the war. At the conclusion of the peace of Amiens, the income tax was actually pledged to make good a very large sum of money; it being considered better to have recourse to that expedient, than to raise any further sums of money by the medium of the funds chargeable upon permanent taxes. But though he conceived the continuance of the property tax, during the current year, would be perfectly justifiable, for the purpose of winding up the war charges, still he was of opinion, that the circumstances of the present time, when so great a fluctuation was observable in the price of every article, which affected every class of society, would create so many difficulties in the way of its collection, as to render it peculiarly vexatious and disagreeable. On one part of the community it would bear with a very unequal pressure. He meant the class of farmers. They had, on the whole, been considerably favoured by the average on which their property was calculated. But if the tax were continued in the present year, they would be subject to a charge much beyond their real property. The tax, with respect to them, was calculated on what was considered a fair average—and so it was, in ordinary times; but, when the prices of produce altered in the degree which had lately taken place, it was no longer just and equitable. Various ideas had been suggested to him, for the purpose of continuing this tax for another year, with certain modifications, which he should shortly refer to, as they had been suggested to

him with very good intentions, though with a great misapprehension of the nature of the tax. Those modifications turned on two different principles: the first was, that of exempting from the operation of the tax, at present, those who were affected by the circumstances of the times, and rendering it applicable only to fixed property, such as the rent of land, money in the funds, and other property already realized. To a modification of this kind he conceived there was a very strong objection, which precluded any such alteration. The House must be well aware, that, in every Loan Act, there was a clause exempting the sum borrowed from the imposition of any tax. The individuals subscribing were only to be charged in a general tax, affecting the whole country. But, if this proposition were acceded to, the property realised, and lent to the public, would be specifically taxed. Now, he certainly did not think it would be advisable, however advantageous it might seem in a financial point of view, to encroach on the good faith which was due to the public creditor. The second modification suggested to him was, to charge persons possessing very high incomes, at an increased rate, and either greatly to reduce the charge, or to exempt altogether from the operation of the Act, individuals of more confined circumstances. This, however, he considered to be totally impracticable; because the Act gave them no insight into the total income of any person. The principle of the Act was, to charge every species of income, from whatsoever source it might be derived, as a distinct property, without examining the general situation of the proprietor. A person, for instance, might be employed in trade, at a variety of places. He might have a banking-house in London—a mercantile establishment at Bristol—a large manufactory at Manchester—100,000*l.* in the funds—and 5,000*l.* a year in land, (a laugh); and, as the Act was at present constituted, he would be separately and distinctly assessed for every one of these sources of property, without any one assessor being able to say what the aggregate amount of his income was. On one branch, such an individual might be a loser, while, on another, he might gain considerably. Such a proposition he also conceived to be objectionable, as it would render a minute classification of the different ranks of society necessary. In the end, he had no doubt, it would be found

impracticable to carry such a scheme into effect. An act of this kind would be infinitely more vexatious, and far less productive, than that which was now in being. He was, therefore, decidedly of opinion, that, as the tax, in its present form, was found efficient in its operation—as it was not compatible with the intention of parliament to make it a permanent resource—and as those modifications were inconsistent with its true principles, it would be far better to lay it aside entirely, than to bring it forward in an altered shape. Still, however, it ought always to be considered as a resource which parliament might resort to, when public necessity demanded it.

He did not feel that he was called upon to go into a statement of the actual amount of the expenses of the present year, nor indeed was he enabled to do it. Until peace was finally ratified with America, and until it was better known, than at present, at what time our fleets and armies were likely to return home, he could not pretend to enter into any satisfactory detail of the expenses of the present year. What he was about to submit to the House was less adapted to our present situation, than what he considered to be applicable to the gradation from a war to a peace establishment. In the present year, a large sum of money must necessarily be borrowed. That sum would be more or less extensive, in proportion as the country was placed sooner or later on a peace establishment. The property tax, under no circumstances, could have covered the sum wanted. Therefore, in any event, a loan must have been resorted to. The abandonment of the property tax would, however, add considerably to the amount of that loan.

He should now proceed to take a general view of the situation of the country on the restoration of peace. That view, on the whole, he considered extremely satisfactory. He was not about to compare our present situation with that in which the country was placed at a period of difficulty and distress. He would not draw any comparison between the state of things at the close of the American war, when our credit was impaired, when our resources were not sufficient to meet the pressure of the times—and the prospects which now opened upon the country. But he would compare our present situation with the most flourishing period which the history of this country

presented. He would place the resources of the present day in competition with those which Great Britain possessed in the year 1791, immediately previous to the commencement of the war with France. In the year he had just mentioned, the committee which had been appointed to examine the resources and expenditure of the country, stated the amount of taxes, forming the consolidated fund, to be 13,472,000*l.*; the charge of the public debt, the civil list, and other items, affecting the consolidated fund, amounted to 11,321,000*l.*; which, deducted from the former sum, left a surplus of 2,151,000*l.* To this must be added the land and malt duties, amounting to 2,558,000*l.* making a total of 4,709,000*l.* disposeable for the service of the country. The income of the present day, made up to the 5th of January last, was as follows:—The taxes composing the consolidated fund amounted to 38,256,000*l.* to which must be added the sum appropriated from the war taxes to make good the charge of loans, amounting to 2,706,000*l.* making together 40,962,000*l.*; from this they had to deduct the charge of the British funded debt, 35,420,000*l.*; the imperial loan, 495,000*l.*—and the Portuguese loan, 57,000*l.*—making a total charge of 35,972,000*l.*; the civil list pensions, and other charges, were 1,571,000*l.* making in the whole, a gross charge on the consolidated fund of 37,543,000*l.*; and leaving, therefore, a net sum of 3,419,000*l.* If to this was added the annual duties to pay off bills, (which, so far from falling short, produced every year a considerable surplus,) 3,000,000*l.* it would form a total of 6,419,000*l.* applicable to the establishments of the country. It was, therefore, clear, that at the close of a war of the most expensive description, they were possessed of a disposeable fund considerably larger than that which they had at its commencement. With this addition also, that they now had a sinking fund of 11,300,000*l.*; whereas, when the war broke out, the sinking fund amounted only to 1,300,000*l.* It was true, they now had a debt of 650,000,000*l.*, and, at the time he before adverted to, it was only 230,000,000*l.* But, comparing the sinking fund with the debt, it would be evident that we had at least augmented our means of meeting it, in a fourfold proportion. He should also remind the House (if he did not, he was sure some other gentleman would,) that, in addition to this funded debt, there was

also a large unfunded debt to provide for; and which must necessarily be added to the account. But, looking to the clear surplus of war taxes which was amply sufficient to discharge this latter debt in the course of a few years, or to provide for the charge of funding that debt by pledging a part of those taxes, he thought the property tax might be safely given up.—If the expenses of the country were brought down, he would not say to what they were previous to the war, but if they were fixed at a considerably higher amount, the nation had means fully capable of meeting them. At the same time, referring to the great change of circumstances which had taken place, he was perfectly aware that very considerable exertions would be necessary to defray the different claims on the establishment.

To what sum the expense of our peace establishment would amount must depend on the determination of parliament, which determination he would not anticipate. All that he desired was, that gentlemen would consider the question deliberately, and with a reference to existing circumstances, rather than to former arrangements. They must be aware of the necessity of a greater extension than at any former period of peace, of our military force. They would recollect, that we had to provide for the garrisons of Malta, Ceylon, the Cape, and Mauritius, besides the extension of our West Indian possessions. Some augmentation might also be expedient in Canada. For these, and other indispensable expenses of the same nature, provision must necessarily be made. The committee would also recollect, that after an actual service of near twenty years, our navy must be in a state to require very extensive repairs. Independent of the augmentation which might be required in our efficient establishments, an immense increase had taken place in those, which, however dear to the justice and liberality of the nation, added nothing to its actual strength. The amount of the half-pay, widows' pensions, and other pensionary establishments of the army would extend to a sum little short of its total expense in 1792. He trusted, therefore, that they would not be surprised when he said, that on the best view which he could take of the subject, it appeared to him that our peace establishment for the first three or four years could not be less (including that for Ireland) than



18 or 19 millions. Supposing that it were 19 millions for the next year (and it would afford him the greatest pleasure could it in another year be reduced), deducting 2 millions for Ireland (which was about the proportion), there would be left 17 millions as a charge on Great Britain. To meet this sum, they had, as he before stated, nearly 6,500,000*l.* of permanent income arising from the annual taxes and consolidated fund. In addition to this, he would propose to continue, for a time to be limited, the war taxes of customs and excise; and he would also propose additional taxes to the extent of 5,000,000*l.* The total of these sums, viz. from the surplus of the consolidated fund and the usual annual taxes, 6,500,000*l.*—something more than 6,000,000*l.*, by the war taxes—and 5,000,000*l.* of new taxes—would produce about 17,500,000*l.*—which would defray the charge of a peace establishment, according to his calculation. It was, however, to be considered, that the charges of the loan for the present year, and of the unfunded debt, must be likewise defrayed; so that if it were possible (which he conceived it was not) to reduce the peace establishment to 13 or 14 millions a year, still it would be necessary to impose these additional taxes. It would be found on a retrospective view of our history, that all long and expensive wars had entailed on the country a winding-up of expense of great amount and duration. After the close of the American war the arrears were not paid until 1786; indeed a remainder of the expense beyond the ordinary peace establishment was still undefrayed in 1791, so gradually had it been provided for. After the war which ended in 1763, also the winding-up was very gradual, and did not terminate until 1768. Therefore he thought he spoke within compass, when he said that it would scarcely be practicable to settle completely the peace establishment in less than four years from the present time. Until the year 1819, therefore, it would be necessary to have recourse to funding exchequer bills, when favourable opportunities occurred, and occasionally to loans, which he however hoped would after the present year be of small amount, and to meet the charges which those would occasion, by the new taxes which he was about to propose. In this he had the example of Mr. Pitt, who, as early as 1784, proposed by anticipation to form a fund to liquidate the floating debt then outstanding, although

it was not converted into stock till the following year.

The first resource by which he proposed to meet this expenditure would be the continuance of the war taxes of customs and excise, which would have expired last Christmas, had they not then been renewed till July next. There were some that had since expired, such as those on the tonnage of ships, on the export of British manufactures, and on goods carried coastways. These he did not intend to renew, and if he did, their amount would not have been very considerable. Neither did he propose to continue the duty on the importation of cotton wool, if imported in British ships. This would be a protection to our navigation, and he would be happy if it should occasion a preference to be given to the cotton of our own plantations. He did not mean to state the nature and extent of the war taxes, individually; they were well known to every gentleman. Their gross produce on the 5th of January 1815, was 9,827,000*l.* from this deduct 2,706,000*l.* pledged for the charges and interest of a loan, and 638,000*l.* the amount of the war taxes he had stated his determination not to continue, making 3,344,000*l.*—the residue of the war taxes would then be 6,513,000*l.* which, for the sake of round numbers, and to avoid any danger of disappointment, he would take at 6,000,000*l.* It now became his duty to state the new taxes which it was his intention to propose. [A general buz.] He was anxious to gratify the curiosity which was so evidently, so strongly, and so naturally excited; and he should therefore not pursue the usual order, which was to give to a statement of the customs and excise duties the precedence to a statement of the assessed taxes, but would commence with the latter. He should begin with observing that it was not his intention to propose any additional window duty on inhabited houses, as, in his opinion, there already existed a sufficient pressure on the community in that respect. But although he did not mean to propose any additional duty on the windows of inhabited houses, he meant to propose a tax which had often been talked of, but never introduced—a tax on green-houses, hot-houses, and conservatories, operating on the superficial contents of their glass. He would propose that 48 square feet of glass (including the frames) should be considered as a window, and that the windows should not be charged at a

progressive rate, but that each window so calculated, should pay 3s. 6d. For instance, if a green-house were 60 feet in front, and 12 feet high, it would measure into what would be termed 15 windows, and would consequently pay a duty of 3l. 7s. 6d. This was a proposition which he trusted no one could deem objectionable. Considering how much the trading part of the community would be relieved by the abandonment of the property tax, he meant also to propose that shops and warehouses and manufactories (hitherto exempted from the window tax) should pay in the same way—not a progressive rate, but 3s. 6d. on each window which they might contain. As these taxes were new, it was not practicable to estimate their probable produce very accurately. He would take them, however, at about 30,000l. a year. The next head was one of the assessed taxes—that on inhabited houses; on which he should propose an augmentation of about 30 per cent. on the existing tax. He said this generally, meaning in the detail to recommend a larger rate on higher rents than on lower. It was also his intention to propose, that the rents of warehouses and manufactories (which had hitherto been exempt from duty) should be subject to the same duty as the rents of houses. The increase of the assessment on inhabited houses he conjectured might produce about 396,500l.; the new duty on warehouses about 150,000l.—The next class of the assessed taxes on which he should touch, was the duty on servants, carriages, and horses, and on those he meant to propose a much more considerable increase. He intended to propose on this class of the assessed taxes, an increase on the average of 80 per cent.; in some cases rather more, in some rather less. This might appear a large augmentation on the first view of it; but he begged those who might be disposed so to consider it, to reflect on the small proportion which it bore to the tax on income from which they would be relieved. The amount of this increase, he calculated, would be—on house servants (of various denominations) 409,000l.; on servants used in trade, &c. 148,000l.; on carriages (about 75 per cent.) 363,000l.; on horses for pleasure (about 80 per cent.) 632,500l.; on trade horses (about 40 per cent.) 85,500l.; on dogs about 30 per cent.) 105,500l.; and on game certificates (about 30 per cent.) 42,000l. It was not his intention to propose any increase in

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the duties on horses used in husbandry.—He meant further to recommend that Bachelors, who already paid an additional rate on servants, should now be compelled to pay an additional rate of 50 per cent. on servants, carriages, and horses—[a laugh]—which he computed would produce 120,000l. The total increase, therefore, of the assessed taxes he calculated to amount to 2,503,000l.

He would now proceed to state the intended increase of the excise and customs duties. He meant to propose an additional duty on tobacco. It was evident that the return of peace with America would soon render tobacco, notwithstanding this new duty, cheaper to the consumer than it was at present. The duty which he intended to recommend was 2½d. a pound customs, and 3d. a pound excise duty. Each of these, he conceived, would produce 150,000l. making 300,000l. The other excise duty which he should propose was, a duty on wine, of 20l. per tun on Portugal wine and in the usual proportion on other wines, in addition to the duties already existing. He was aware that this duty was not without objection; yet he conceived, under existing circumstances, the House would be disposed to admit the policy of the suggestion. The amount which this duty was likely to produce was, 500,000l. The next source of revenue to which he would have recourse, was one which he conceived was capable of considerable increase: he meant an addition to the duties on licensed dealers under the excise. This he was ready to admit might appear to bear hard on many; yet, when it was recollected, that throughout the whole war this duty had never been increased, he thought much ground of complaint would not be found to exist. It would be seen, on reference to the Act of the 43d of Geo. 3, c. 69, that this duty at present was but moderate. The persons upon whom it would fall were all liable to return under the property tax, and were subject to very vexatious inquiries. He had no doubt, therefore, that they would consider the change of the one for the other as a very advantageous commutation. The amount of the sum likely to be produced from this duty, he calculated at 300,000l. which would make the whole of the increase on customs and excise amount to 1,110,000l. The only remaining tax which he should propose that evening was in the department of the Post-office. It was a tax of

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one penny upon every newspaper conveyed by the general post. This tax had been recommended by the commissioners of inquiry so far back as 1788, but had never been acted upon, from an apprehension that it would prejudice the stamp duties. By the Act of the 48th of the King, a power was given to the Two-penny Post-office to charge one penny for newspapers delivered through that medium; but that power had never been extended to the General Post-office; and, from experience, he was now induced to believe, that the British public residing in the country would not be disposed to sacrifice the luxury of a newspaper for the sake of one penny. He had not meant to have included the members of parliament in this arrangement; but as the House appeared disposed to pass a self-denying ordinance on this occasion, he, at least, could certainly have no objection. [Cries of hear! hear!] This duty, he expected, would obtain 50,000*l*. Beside this, on a future occasion, he intended to submit a further increase of Post-office duties, not affecting inland carriage. His plan was that of extending the establishment of the Post-office to the East Indies, and appointing packets for the conveyance of letters from one country to the other. There was another improvement, too, in contemplation, respecting the transmission of ship-letters, in consequence of the Act of last year, which, with the former, at a loose calculation, he imagined might produce about 75,000*l*. Taking the Post-office duties, then, at 125,000*l*. the total amount of the new taxes which he had mentioned would be 3,728,000*l*.

He had already stated, that the sum which he should want under this head was five millions. On some other day he would state certain other articles upon which it was intended to extend the duties, and which would supply the deficiency. The first article to which he alluded, was an increase on stamp duties, excluding, however, the stamps on proceedings in the courts of law, which he thought might give from 7 to 800,000*l*. a year. A complicated schedule of these duties, however, was to be made, which required much consideration, and therefore the House would be satisfied that the subject could not well be introduced in perfect detail at the present moment. The remaining 600,000*l*. which would be necessary to make up the five millions, he was

in hopes would be furnished by new regulations with respect to bounties and drawbacks. There was another article upon which he was rather called upon to apologize for not imposing a duty, than otherwise; he meant the article of beer. The House well knew that a considerable increase had taken place in the price of this article, and he believed it was equally well known, that it was now sold at a price much higher than it ought to be. The public, he thought, had not fairly participated in the advantages to which they were entitled in this respect. He was unwilling to impose any charge upon the necessaries of life; and, in the present instance, he would rather be the means of relieving the public from such a tax than of imposing it. He was also aware of the general objections to any interposition of government between the producer and the consumer of any article of trade: but in the present instance it was impossible for him to be neutral. When the rise in beer was intended, the gentlemen who were concerned in that proceeding called on lord Liverpool and himself, and having stated the circumstances which led them to propose an increase of price, their intention was approved. Having thus become a party to the rise, he thought it proper to disclaim all responsibility as to its continuance at that price. (Hear, hear!)

Having now gone through the whole of his statements, he would, for the convenience of the House, and in order to bring the whole clearly to their recollection, recapitulate the different heads of tax which he had detailed. They were as follow:

	Rate	Produce.
Customs, Tobacco, 2½ <i>d</i> . per lb. ....		£.150,000
Excise, Ditto, 3 <i>d</i> . ditto .....		150,000
Licences, double fixed Rates,		
50 per cent. progressive .....		300,000
Wine, 20 <i>l</i> . per tun .....		500,000
		<hr/> 950,000

#### ASSESSED TAXES, viz.—

Inhabited House Duty, 30 per cent. ....	396,500
Progressive Servants Tax, 80 to 90 do. ....	308,500
Under Gardeners, &c. various	101,500
Trade Servants and Servants for hire, ditto. ....	148,000
Carriages, about 75 per cent....	363,000
Horses for Pleasure, about 80 do.	632,500
Trade Horses, about 40 do. ...	85,500
Dogs, about 30 do. ....	105,500
Game Certificates, ditto, ditto.	42,000

#### NEW DUTIES.

Windows in Warehouses and Hot-houses, 3 <i>s</i> . 6 <i>d</i> . per window	50,000
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Rent of Warehouses, same as	
Houses .....	150,000
Bachelors, 50 per cent. additional on Servants, Carriages, and Horses.....	120,000
	<hr/> 2,500,000
Post Office, 1d. on each Newspaper .....	
East India and Foreign Postage regulation .....	50,000
	75,000
	<hr/> 125,000
	<hr/> <u>£3,728,000</u>

He was now about to submit to the committee his suggestions with respect to the provision for the charges of the loan, and of the unfunded debt. Adverting to the sum in the hands of the commissioners for the reduction of the national debt, which now amounted to 60 millions, it might naturally occur for consideration, whether under the authority of the Act of 1813 that sum ought not in the first instance to be applied to make good the charges in question, so far as it would go, and upon the principles of the Act referred to, it might undoubtedly be so applied without impropriety: but he thought it peculiarly desirable to avoid encroaching, so soon after the cessation of hostilities, on so important a resource, and one which might become so necessary for enabling us to meet any unforeseen and sudden emergency. It would be recollected, that in proposing the Act of 1813 he had urged the importance of reserving in the hands of the commissioners, a sum sufficient to meet the expenses of a renewal of war, if it should become unavoidable, and this reserved sum he had stated at 100 millions of stock: and he now thought it desirable to complete this provision before any further aid was derived from the sinking fund towards the exigencies of the state. By allowing the sinking fund to increase at compound interest for four years, without any reduction whatever, a fund would be accumulated in the hands of the commissioners of above 150 millions; and the annual amount of the sinking fund would exceed 15 millions, and would be sufficient, by an application at simple interest only, to redeem the whole funded debt at par (should it be thought advisable) within 45 years, which was the period prescribed by Mr. Pitt's Act of 1792. He thought the public would then be fairly entitled to expect some relief from the sinking fund; but in what manner, it would be for the wisdom of parliament, upon a view

of all the circumstances of the case, to determine. In the mean time, he should propose to provide for the charges of the loans which might be raised by the new taxes he had brought forward. The greatest political advantages might be derived from this precaution. The ferment into which Europe had been thrown was scarcely calmed; the military ardour which had been so prevalent was scarcely abated. In this point of view, the lapse of a little time might be of the greatest importance. Every year, every month, rendered stronger the probability of a continuance of peace. At the expiration of four years, having prudently reserved to ourselves during that period the power of answering any unexpected but imperious demand, we should then, in greater security, have an opportunity to consider of the best mode of availing ourselves of all the resources which we possessed for lightening the burthens of the country. The committee and the country must be well aware, that the best security for peace was to shew that we were perfectly prepared for war. By a discontinuance of the property tax, and by an abstinence from the sinking fund, we should every year strengthen our hands; and as on the one hand he trusted we should exhibit a moderation equal to our power, so on the other we should lay a foundation for the attainment of a force that was best calculated to preserve us in undisturbed tranquillity. In the event of a renewal of hostilities, the possession of a fund which in four years would amount to above 150 millions, and the power of reviving the property tax, would afford to the country the means, under the protection of Providence, of commanding success in a just and necessary war, and he trusted that no war would ever be undertaken by this country which was not strictly just and necessary: while in the happier and more probable alternative of the continuance of peace, we might look from year to year to a material improvement of our situation. That very night would deliver the country from an annual taxation of nine millions; and not only would the relief be directly advantageous to those by whom it would be felt, but in the expenditure of the money thus saved by the people, a large portion of it would circuitously, but certainly, find its way into the public treasury, and thus contribute to the strength of the state. The gradual but steady increase of the revenue saw



also a subject of gratifying contemplation. On the 5th of April 1814, the total amount of the revenue for the year, (exclusive of the property tax) was 48,436,000*l.* In the preceding year the revenue (with the same exclusion) did not amount to 47,000,000*l.*; so that in that year there was an increase of about 1,800,000*l.* At Christmas last the revenue for the year (exclusive of the property tax) was 51,211,000*l.*; being an increase of near 3,000,000*l.* This progress of the public revenue would tend materially to relieve the public burthens. And here he could not refrain from congratulating the committee and the country on having achieved the great object of the arduous struggle in which they had been engaged, while the resources of the country still remained in a state of such strength and hope. He never had entertained any apprehension of the sufficiency of the financial resources of this country, except so far as the danger might arise from a feverish impatience in the mass of the people for a premature relief from burthens which it might yet be necessary to bear; much less could he entertain such apprehensions at present, when we had already made so great a progress towards overcoming the difficulties of our situation.

He hoped he might be excused for mentioning a trivial anecdote, on account of the sentiment it conveyed. At the first dinner which Mr. Pitt gave to the duke of Portland and his friends after their junction with his administration at the commencement of the contest, Mr. Burke filled a glass of wine, and drank "Success to this long war!" The company in general were not prepared for the expression 'long,' conceiving that the war would soon be terminated; and some of them having expressed their surprise, Mr. Burke continued,—“I say this long and sanguinary war; for such it must be. ‘*Durate, et vosmet rebus servate secundis.*’ Let ‘*durate*’ be your motto.” The perseverance which that great man recommended had been undeviatingly adopted by parliament and the country; and never had the efforts of any state been crowned with more complete triumph. The right hon. gentleman concluded by moving his first resolution.

Mr. *Whitbread* said, it was not his intention to have offered any thing on the present occasion, had it not been for a certain taunt or sneer that the right hon. gentleman had, in a certain part of his speech, thought proper to throw out

against the trade of which he had the honour to be an humble member. In that part of the speech to which he alluded, the right hon. gentleman had said, “that he had received several hints, that an additional tax might be laid on beer from the high prices at which it was kept up.” The right hon. gentleman had that night offered his plan of finance, and many were of opinion, that one of his articles for raising the money he wanted would be a tax on beer. The right hon. gentleman had kept every circumstance relative to his plan exceedingly snug and close. Not a whisper had made its way to the public till the whole promulgation had just issued from his own mouth. All inquiries made by himself or his friends had been fruitless and ineffectual. He would not give the smallest hint in answer, by which to guess at; so that the trade to which he belonged could not form any true judgment by which they were to act, as to the continuance of the present prices of beer, till they were able to ascertain what the intentions of the right hon. gentleman would be. The right hon. gentleman had been waited on in company with lord Liverpool by a deputation of the trade, of which deputation he had the honour to be one; in which they had fairly represented the state in which they stood, and the injuries they sustained from the then high prices of barley, &c. The consequence of which was, the prices had been raised. A second deputation had in like manner taken place between the same parties, and a second increase of price had taken place; but such second price was soon given up, and the trade had since waited to see what the right hon. gentleman would do before they could say what they should do. Now they were possessed of that, they would take their measures within eight and forty hours; and had the right hon. gentleman condescended to be a little more communicative, the business would perhaps have been settled, and the public acquainted with the intentions of the trade before this time. With respect to the plan of the right hon. gentleman, he should reserve his opinion for some future occasion.

Mr. *Tierney* said, he should not attempt to follow the right hon. gentleman through the wide range of argument in which he had indulged himself, and with which he had amused many members present, as it would seem from the several cheers with which they had so cordially greeted his

speech. He would confine himself to those parts which he considered to be most fallacious, and to which he could not submit in silence, without being guilty in his own mind of a dereliction of his parliamentary duty. In the conclusion of his speech the right hon. gentleman had asserted that we had come out of the late contest with our finances in a flourishing state. Now, what, he would ask, was the state of our finances? In the course of the war 21 millions of war taxes had been imposed. The country was told that it would be relieved of these taxes when the war was over; that these taxes were a mere temporary exertion; and that which now furnished so much satisfaction to the right hon. gentleman, was that out of these 21 millions of war taxes, more than one half of them was to be continued after a peace. If this was the subject of the triumph of the right hon. gentleman, he would willingly allow him all the advantage of it. Instead of looking our situation fairly in the face, and laying before the House a detailed statement of our finances, the right hon. gentleman had contented himself with general assertions, which he thought sufficient to entitle him to demand more money to enable him to go on. With respect to the greatest part of the taxes now proposed by the right hon. gentleman, he would not at present say one word. He had formerly told the right hon. gentleman—and he knew then that he was not a prophet without foundation—that a great increase, instead of a diminution of our taxes would be necessary at the close of the war. He did not wish, unnecessarily, to find any fault with the plans of the right hon. gentleman, but fairly and *bonâ fide* rather to assist than impede him. In taking a general review of our finances, it appeared, then, that we were called on to make good six millions of war taxes, which would expire in July next, and to vote five millions of new taxes, and to continue them for four years, till the expenses of the war should be wound up. This, if he understood the right hon. gentleman, was the substance of his plan, and if it was so he would protest against the whole of his proceedings. The House, if they agreed to this, must appear out of doors as persons ready to carry into effect any grant of any sum of money the Chancellor of the Exchequer might want. Did the committee know what was the present state of the country? Was there one paper or

account before them affording them any information on that subject? The Chancellor of the Exchequer had merely signified to them the propriety of raising the largest sum of supplies possible within the year. He was not saying that if this were necessary from the situation of the country, it ought not to be agreed to as the lesser of two evils. But then he must be shewn that a loan to the whole extent of the sums wanted would be inconvenient, and that, therefore, it became necessary to raise a large proportion of the supplies within the year. He was speaking to an assembly of gentlemen, a great proportion of whom knew nothing of what had passed, but through the newspapers. When the House were voting the property tax, or some substitute for it, without knowing that they were doing so, he meant when the Chancellor of the Exchequer had called on them to vote 15 millions of Exchequer bills, he took the liberty to remind the House that this sum could only be wanted in the contemplation of a continuance of the war taxes. In this it had turned out that he was perfectly right. The five millions now announced were only a part of his property tax. He would defy any one to say whether the speech of the Chancellor of the Exchequer was a war or a peace speech. He had given them Mr. Burke's idea of the duration of the war, and told them of the propriety of preparing for war; and it would seem that all we were to do for the next four years was to hoard up resources for a new war. Was this what the country was to expect after a 21 years war? Was this the cheering prospect of the right hon. gentleman? But what was the motive of the right hon. gentleman for pressing this question now? The property tax would expire on the 5th of April next. It was now given up. Why, then, embark in this vote before knowing the whole of our situation? The American war was now at an end; and the ratification would no doubt arrive in due time. With respect to the continent, the time was not yet arrived when the right hon. gentleman would give any answer; they were always told that the proper time was not arrived. Yet now they asked the House for money, and that was the only security they had for obtaining the information they wished. The right hon. gentleman had not the smallest right to ask for this money at present. This transaction was the more suspicious,

because the arrival of the noble lord (Castlereagh) could not be distant. He left Vienna on the 13th, and there was every reason to believe he would make good speed on his way home. Why not wait, then, the arrival of the noble lord, if his intelligence be good? But if the proceedings of the noble lord at the Congress were to be still wrapt in mystery, and the House were to receive no account of his labours, why previous to his arrival anticipate such silence, and vote money which was not at present necessary? But the whole object of the right hon. gentleman was to get those votes, which would enable ministers to make arrangements for putting money into the Exchequer. Surely the right hon. gentleman would not say, that raising the whole of the supplies within the year was an ordinary proceeding; it was only a war mode, and was never intended to be applied to a period of peace. But the right hon. gentleman had told them that he wanted this money for the winding-up the war expenses. He would recommend to those who were admirers of the right hon. gentleman's financial measures, to say what had been done with this property tax. The right hon. gentleman had that night delivered a funeral oration over it. It was not his intention to have disturbed its ashes, upon the principle 'De mortuis nil nisi bonum.' It hardly, indeed, received Christian burial, for the mob were rather riotous at the funeral. But the right hon. gentleman had informed them that it was not yet dead, but only slept; and that if we were not very much out of luck's way, we might see it revive again in all its pristine vigour. The greatest merit in the property tax was the dislike so generally felt to it; and if it could be held out to the people in *terror*, against entering into war, it had done great service indeed. When the right hon. gentleman was first asked, before Christmas, if he did not think that the property tax expired on the 5th of April, he answered, that wiser men than himself (and he, Mr. T. could not help at the time admiring his modesty) were of opinion that it did not expire on the 5th of April. He was asked again if he did not think himself that it expired then, and whether it was to be renewed? But on that subject no information was obtained. He could not say whether so large a sum as 14 millions was to be renewed or not, but the next day, on the faith of the renewal, he took a sum on the aids of the year, and

then told the House for three months to go about their business. The right hon. gentleman, however, began at last to think seriously on this subject; and though he did not think proper to repose any confidence in the House, he took Mr. Gladstone for a counsellor. Of this gentleman he had considered it advisable to inquire whether he thought the property tax could be borne. It was certainly very wise in the right hon. gentleman to take any advice beside his own; but it was curious enough that the only gentleman he had consulted in Liverpool was the only person whom the people of Liverpool would not hear. He would assert, that if ministers did not take the property tax, they gave up the basis on which the raising the supplies within the year was founded; this was the corner-stone of the superstructure, the foundation of the whole system; and yet, after destroying the foundation, they still went on and said, let us have a large portion of the supplies now. This was a most serious innovation on the system of finance. He was not now giving an opinion how far this innovation might be justifiable; because circumstances might be disclosed to the House sufficient to authorize them to sanction the raising a great portion of the supplies within the year. But then the right hon. gentleman ought to afford some explanation to the House. But he would venture to say that the right hon. gentleman was not himself able to form an estimate of the wants of the year, or to say what excedents would be coming in from day to day over the votes of former years. The House had already had a specimen of this in the excesses of the army extraordinaries for some years back; and yet in all this uncertainty they were to go on voting money, as if the most satisfactory details were laid before them. And the right hon. gentleman had also thought proper to talk of our peace establishment, and to allude to the proceedings of the committee of 1791. One would think, from the way in which he spoke of this committee of 1791, that it was, like the present, a committee of the whole House. The committee of 1791 was such a one as he had been intreating and imploring fruitlessly these four years; a committee thoroughly to examine and sift the finances and expenditure of the country. Did Mr. Pitt say to the House, you must come down and vote a peace establishment without previous inquiry? Mr. Pitt referred this to the committee,

and he thus armed himself with the report of a committee, who had investigated every branch of the finances of the country. Every man in the committee was thus enabled to know the situation of the country as well as Mr. Pitt himself did. The right hon. gentleman had told them that our revenues were in a most flourishing state. Here he trusted he might be allowed to look back a little on what he had himself done, and to ask the House if he had not shewn them the situation to which they were hastening, and which could not now be concealed from them. He was sensible that he had often been thought by many as intruding unnecessarily on the House—as uttering stuff and nonsense—as having Jacobinical views in what he said. But he would now ask, whether the triumph was at length with him or with the right hon. gentleman? Whether his predictions had not been fulfilled? The right hon. gentleman had at length been obliged to come forward with an addition of five millions a year to our burthens. But then, said the right hon. gentleman, the revenue was in a flourishing state. It might be so, but he would not take his word for it. No one could yet give a definitive opinion upon this subject. There were many of the war taxes which on a peace must continue falling off. Yet the right hon. gentleman had chosen to take the war taxes at their full amount, though he must have known that it was expressly stated at the time they were introduced, that it would be impossible to continue many of them in time of peace? It would be impossible to raise this six millions. Take tea, for instance, on which there was a duty of 95 per cent. Could he think that it would continue as in time of peace? He might also instance spirits. The House would betray its trust if it voted this money without the establishment of a committee. It might be right that this money should be voted; he gave no opinion on the subject; but it was right first to have a committee to examine this, to shew that they wanted to do their duty to their country. The business ought to be laid before a committee: and without the previous investigation by a committee, no man could give an opinion respecting it. That excellent argument for a time of war did not apply now—that our means ought to equal our wants; for in a peace our wants ought to be equal to our means. If we were at peace we ought to abstain from every

arrangement not absolutely necessary. If we were at peace we ought to try how every farthing could be saved. The military expenditure of the country required the most thorough investigation. It was very well during war to encourage a sort of military mania. If the army was not brought down, the expenses of that army would weigh down the country. But the right hon. gentleman could not do this himself without the assistance of the House; and the kindest thing the House could do him was to set about inquiring into this expenditure. It was not less necessary to examine into the expenditure of the navy, and of the ordnance. The right hon. gentleman had talked something of a peace establishment, but he did not believe one word of what he said on that subject; he could not possibly have data to go on. He might say such and such sums were necessary for the Mauritius, and for Malta, &c. Undoubtedly, the right hon. gentleman had better means than he had of information on these subjects; but he was not in a state to speak with certainty. The great increase of our colonies would be alleged; but the House ought not to listen a moment to such general statements, but to sift and probe every branch of the establishments of the country to the bottom. The right hon. gentleman had altogether left out Ireland in his calculations, as if it did not make a part of the empire; he had stated the whole at 19 millions, but then Ireland was to contribute two millions. He would leave him and his friend, the Chancellor of the Exchequer of Ireland, to explain this to the House. There was no more a surplus of 60 millions than of six millions, unless such an increase had taken place in the produce of last quarter, as was incredible. No more was it in his power to meet the peace establishment of the country. The right hon. gentleman, he would repeat, could not do this; but the right hon. gentleman had thought that he had stated sufficient for a general view of our situation—of which general view, however, he for one, did not believe one word. If the subject was before a committee, he had no doubt the figures would not come out as the right hon. gentleman had stated them. Before the return of my lord Castlereagh, he had thought proper to assume certain facts, just to enable him to raise five millions of new taxes. After taking off fourteen millions, the very first day he had clapped five millions on. His



firm conviction was, that the money was only wanted to carry on the right hon. gentleman for some time longer; and it would not at all surprise him, if, before they were much older, they were called on for another adjournment. The right hon. gentleman seemed always unwilling to repose any confidence in the House. It was true, he had always great majorities; yet the right hon. gentleman had sometimes been seen to go away from the House with all the advantage of numbers on his side, but with no great feeling of satisfaction from a recollection of the arguments. Every thing that was necessary for the service of the country had already been voted. The service was provided for up to the 25th of June next. The supplies were voted to that day. Why, then, in the middle of February, were they called on to vote five millions which were not wanted? He had endeavoured to warn the House, that if they continued this system they would involve themselves in inexpressible difficulties. He had often pressed inquiry into the affairs of the country, but had been answered, that this could not be done till peace. Peace was now at length arrived, but still there was no appointment of a committee of inquiry; and so they would continue to go on, never knowing what were the difficulties of the country, and what sums were actually wanted. He wished to say merely one word more with respect to the sinking fund. The right hon. gentleman had at last found what he (Mr. T.) had informed him would take place, that by pressing on the sinking fund he affected the money market. He was already now convinced that the measures which he was once strongly of opinion would have a tendency to raise the funds, had produced a very different effect.

The *Chancellor of the Exchequer* begged to refer the right hon. gentleman to what passed before the adjournment. The House had then voted large sums of money, for the various branches of the service of the country; and what the committee were now employed upon was, in providing ways and means to answer those supplies. The amount of the sums agreed to in the committees of supply, before the recess, was not less than 25 millions, besides what was devoted to the payment of Exchequer-bills. The ways and means for raising those supplies were only to the extent of three millions of annual taxes, and the remainder was yet to be made

good. What, then, had been the proceeding of this night? The war taxes had been renewed as far as it was found expedient, and the deficiency was supplied by the new taxes that he had mentioned. Thinking that the communication would be agreeable to the House, he had also entered into a general statement of the condition of the finances of the country; but this was no part of his strict duty, since the mere statement of the contents of the Resolutions he should propose, was all that it was absolutely necessary that he should do. He did not wonder that the right hon. gentleman had taken this opportunity of expressing his opinions upon the subject of the public expenditure, but the arguments he had employed rather strengthened what had been advanced in favour of the Resolutions: he had stated, very properly, that the public exigencies must be provided for, and that the sum of five millions to be raised by the new taxes, would not be sufficient to make good the deficiencies. If so, why did he object to the mode of proceeding now suggested? If the public necessities were so great and so pressing, let the House vote what had been asked this night first, and afterwards take into its consideration what further measures should be resorted to. The right hon. gentleman had argued as if the principle of the sinking fund were to be abandoned; but if he would compare what he (the Chancellor of the Exchequer) had stated in a former committee upon this subject, with what had fallen from him that night, he would find that there was perfect conformity, and that the plan was pursued that was on that occasion opened and laid down. The result of all the experience since obtained was, that the plan had completely succeeded. The Resolutions were not opposed in the particulars, but upon general ground, that no sum of money should be granted without previous inquiry; but was it to be supposed, that the votes now required would pledge the House to any future assent? To require any such pledge would be highly unparliamentary, and in future stages, upon re-consideration, even these Resolutions might be modified or rejected. With regard to what had fallen from another hon. member (Mr. Whitbread), he could assure him that he had no such intention as that which had been charged; and if any gentleman connected with the trade to which he (Mr. W.) belonged had communicated the intention

that had now been stated, he would not have made any allusion like that which had been the subject of complaint, and which proceeded merely from ignorance of the fact.

Mr. Ponsonby did not rise so much to offer any remarks upon the Resolutions proposed to the committee, as to make a few observations upon the speech of the Chancellor of the Exchequer, and to express his decided disapprobation of the mode of proceeding he had adopted. The right hon. gentleman had thought fit to pass many compliments upon the people of England: he had applauded the patience, perseverance, and fortitude they had displayed during a contest in which there was no middle course, but annihilation was to ensue to one party or to the other. This eulogium, however warm, was not more than justice, for such qualities had never been more signally displayed by any nation upon the face of the globe. But in what way was it proposed to reward the people of Great Britain for the exercise of these virtues? By desiring the House of Commons to concur in a vote for taxes almost to an indefinite amount, and without any statement of the purposes to which they were to be applied. Was any explanation given whether it was to be devoted to military purposes? No.—To equip or refit the navy? No.—To be expended upon our colonies? No.—In short, it was to be voted, and that was all the House knew, or the country was to be informed. Had the House any means of comparing the supply with the demand? Did any man pretend that he could state what would be the amount of expense under any one head of service? Was it fit that the House of Commons should be thus treated? that the representatives of that people which had suffered so severely, should be called upon blindfold to vote enormous sums, to be devoted to any purpose at the will and pleasure of the Chancellor of the Exchequer? How was the House tempted to comply? By stating that the expenses of a peace establishment were to be no less than 19 millions a year! He felt confident, though speaking only from memory, that on former occasions the expense of the peace establishment, with the payment of the debt included, never amounted to such an enormous sum; it did not approach it by several millions; yet the House were allowed to have no information upon the subject. What was the excuse made by

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the right hon. gentleman? That no precise information could be given until the charges of the war were wound up; but the fact appeared to be, that parliament never was to be favoured by ministers with any correct intelligence, but must be satisfied with vague statements like those offered to-night. On former occasions a committee had always been appointed; and if a proposition for that purpose were brought forward, he should be glad to know what plausible resistance could be offered? In another part of this address, the right hon. gentleman had observed, that the peace establishment must necessarily be more expensive, on account of the increase of our colonial dependencies: but Mr. Ponsonby begged leave utterly to deny that it would afford the slightest excuse for any augmented military establishments. What was the difference in this respect between the state of the country now, and at the last peace? A great deal had been said with regard to Ceylon and the Cape of Good Hope; but what were they, compared with the difficulties we had formerly to encounter in our colonies? Were we not at war with Tippoo Sultan and the Mahrattas, who could with ease have driven us from the peninsula of India? But now with what had we to contend, that it was necessary to maintain so large a military force? Yet Ceylon and the Cape were brought forward as the excuse for laying the nation under such unheard-of burthens during a period of peace and security. There was no conviction upon his mind more strong, in order to make this country capable of sustaining a new war, should such a calamity be forced upon us, than the necessity of reducing, by every expedient, the public disbursements. It was the only expedient by which we could hope for success; all our establishments must be retrenched within the narrowest compass, and economy, instead of aggrandisement, ought to be the only object of a wise and prudent ministry. Instead of that, what was the threat held out to the people of England, as a return for their firmness and patience—that instead of enjoying the fruits of hard-earned tranquillity, they were in peace to be burthened with expenses that war alone could justify. The right hon. gentleman had spoken much in praise of the property tax; he seemed very unwilling indeed to relinquish it, but he declared that he did so merely because our situation was in some respects changed, as well as the con-

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dition of persons that might be affected by it. But, was that the true cause of its abandonment? Would any man who had witnessed the proceedings in the country, during the recess, believe that ministers had not given it up because they dared not oppose themselves to the wishes of the great body of the nation, and now they had not the generosity to confess it? If the people of England were true to themselves, the right hon. gentleman might now do as he pleased; the House of Commons might be as subservient to the wishes of the minister as he could desire; but a time would come, and that at no great distance, when he would be compelled to reduce our establishments, within those bounds that were necessary for the maintenance of the honour and independence of the empire.

Mr. *Marryatt* made several remarks upon the impolicy of interfering with the drawbacks and bounties at present allowed with regard to West India produce. He hoped that the Chancellor of the Exchequer would abandon that part of the plan he had proposed.

Sir *John Newport* called the attention of the House to the gross fallacy of the calculation of the Chancellor of the Exchequer, that Ireland would be able to defray two millions of the expenses of a peace establishment. An immense load of taxation had been thrown upon that country during the last year, and the revenue was already one million below the interest upon the sinking fund. The debt was augmented to the enormous amount of 132 millions; and how was it possible to suppose that she could bear any additional burthens, or that the House could be deluded by a statement that had for its object to prove the possibility?

Sir *James Shaw* wished the Chancellor of the Exchequer at least to re-consider the tax upon the windows of shops and warehouses. It had been attempted by Mr. Pitt fifteen years ago without success; for after it had been continued for one year, it was found impolitic, if not impracticable, and was abandoned.

The *Chancellor of the Exchequer* observed, that the tax he proposed had no analogy to that of Mr. Pitt, which was an impost upon shops of trade in proportion to the rent of the dwelling-house to which they were attached; but it was found to press very unequally and injuriously, and was withdrawn in consequence. The present proposition was a tax of only three shil-

lings and six-pence upon each window of the shop or warehouse. As to what had fallen from a right hon. baronet (sir J. Newport), he had only to say, that if Ireland were not able to pay her quota stipulated in the act of union, it was the more necessary that the votes should be passed, and that exertions should be made in this country. After all, there would remain much to be settled by future arrangement after the expected ratification of the peace with America, when our naval and military establishments were arranged. With regard to the drawbacks upon West India produce, he should be sorry if it operated to the disadvantage of the planter; but where the British merchant possessed an exclusive monopoly, the consumer had a right to expect some protection against exorbitant prices. As long as the merchant enjoyed that monopoly, he could not reasonably complain of hardship.

Mr. *Baring* thought the Chancellor of the Exchequer was under a great delusion if he expected that in time of peace the taxes would continue as productive as during the war: it was impossible that a reduction from an expenditure of 80 millions to 18 millions annually should not be very sensibly felt by the revenue. The alteration in the price of provisions by the fall of bread, if it were not artificially supported (which he sincerely hoped would not be the case), must also produce a powerful effect upon the existing system of taxation. A gentleman's annual income might be reduced from 3,000*l.* to 2,000*l.* and in time of peace he might be able to live as comfortably upon the smaller sum as in time of war upon the larger; but it was by no means the same thing to the revenue, which must sustain a considerable reduction. The hon. member objected to the present slovenly mode of conducting the public business, not merely because it was productive of inconvenience in the particular case, but because it might by future chancellors of the Exchequer be drawn into a mischievous precedent. Nothing was offered but general assertions of increased establishments for our colonies, without any particulars being afforded. He trusted, at least, that he should not proceed upon the extravagant plan hitherto adopted, if he might judge by the salary of one individual at the Cape of Good Hope. He was informed that the governor had not less than 20,000*l.* a year. [The Chancellor of the Exchequer said across the table

10,000*l.*] The salary as governor might be only that sum; but did the right hon. gentleman mean to be understood as stating that as governor, commander-in-chief, and in his other capacities, he did not receive public money to the amount of 20,000*l.* a year? He hoped that the Chancellor of the Exchequer would give some correct information upon this point. This was only a solitary case that had accidentally come to his knowledge; but he feared many others existed, where, from the influence of family and connexion, ministers were compelled to submit to wasteful abuses in various departments. He concurred with what had fallen from Mr. Marryatt respecting the drawbacks upon West India produce. With regard to the property tax, he did not wish unnecessarily to disturb the manes of the dead, by traducing the memory of that which was no more: he felt too much respect for the maxim of the old proverb, but in truth if he were compelled to speak only in praise of the property tax, all the good that he could say of it was, that it was dead; for all the opprobrious epithets that had been heaped upon it, appeared to him not to come up to its desert. In theory it might be very beautiful to tax every man according to his property, but nothing could be more odious than that a man should be catechised by persons who possessed more than inquisitorial powers: for his own part, he would much rather be summoned before the bench of bishops, to be questioned as to his belief in the doctrinal points of religion, than appear before the commissioners under the property tax, to answer their questions as to the exact amount of his worldly goods and chattels. The Chancellor of the Exchequer seemed resolved that it should not quit the stage without *éclat*, and was determined to do all in his power to procure for it a handsome retirement. A threat had been studiously held out that it might on some future emergency be revived; but he would never give his consent, unless we had the misfortune of witnessing a repetition of the dreadful crisis we had just passed.

Mr. Rose addressed the committee as follows:\*

There are reasons operating on my

\* From the original edition printed for T. Cadell and W. Davies, Strand; and J. Hatchard, Piccadilly; with the following Introduction. "I am desirous of sub-

mitting to the public the substance of what I said in the House of Commons respecting the property tax, in order that if there shall appear to be any thing questionable in my statement, in which there are many dates and figures, an opportunity may be afforded of its being examined."

mind, which had determined me not to rise on the present occasion; but I feel it quite impossible to remain silent after what has fallen from the hon. gentleman who spoke last. In vindication of the measure thus reprobated it will not be necessary for me, however, to trouble the committee at much length.

It was insisted upon, before the recess, that whether we should have a peace with America or not, the tax could no longer be levied; as the termination of it depended on a peace with France, the only country with which we were at war when the Act passed. Of the accuracy of that I thought no doubt could be entertained; but the question appeared to be perfectly unimportant, because if the legal interpretation gave the tax a continuance beyond the French peace, and it should not be longer wanted, there could be no hesitation about the repeal: on the other hand, if, on the peace taking place, an indispensable necessity should be found for a continuance of it in some shape or proportion, I certainly conceived the faith of parliament could not have been so pledged as to prevent such a continuance.

The adjournment for the holidays took place without any determination expressed by his Majesty's ministers, as to their intention about proposing a renewal of the tax; and during the recess, petitions were poured in from every part of the kingdom in such numbers against it, as to induce my right hon. friend and his colleagues to wave any intention of making it a part of the ways and means.

That determination having been taken, and having been approved of by the gentlemen on the other side of the House, I am not such a Quixote in finance as to offer a resistance against it; it would indeed be as utterly useless, as it would be inexcusably presumptuous in me to make such an attempt. I may however be allowed to lament that the petitions were adopted, without the persons who were present at the meetings being at all aware, that if their request should be granted they would unavoidably be subjected to other burthens, probably bearing

mitting to the public the substance of what I said in the House of Commons respecting the property tax, in order that if there shall appear to be any thing questionable in my statement, in which there are many dates and figures, an opportunity may be afforded of its being examined."



much more heavily upon the great mass of the people, if productive ones, than the tax they complained of.

It is not in the smallest degree to be wondered at, that when a numerous assembly of persons of all descriptions were asked whether they desired to be relieved from a heavy contribution, without a substitute for it being mentioned, every hand should be held up in the affirmative; but it may reasonably be doubted whether a very different sensation might not have prevailed at such meetings, if the parties present had been aware that an immensely productive tax could not in the present state of the country be given up, without some other heavy impositions to a very great amount being substituted in its place.

The absolute necessity of finding productive taxes in lieu of the one under consideration, in the event of that being relinquished, seems to have escaped attention almost generally. If that necessity had been understood as clearly as it exists, it would I think have had an influence on all classes; the opulent would not have been as forward as they were in expressing their anxiety for a petition, the success of which, at the time it was to relieve them from heavy contributions, would be attended with consequences bearing probably with more severe pressure on the middling and lower classes of the community than the tax complained of; and the latter would have been less solicitous on the occasion, if they had foreseen they were likely to be so pressed upon by a compliance with their own wishes.

That this tax has been felt as a most severe pressure by many, it is impossible to deny; that is not a point likely to be treated with levity by me. I can most truly say, that no one could feel more for that pressure on meritorious and respectable individuals, in many cases struggling with difficulties, than I have done; or who would have felt a higher gratification at relief having been afforded them: and if the tax had been continued, I believe that would have been found practicable, on classes on whom the pressure was most severe, as I will endeavour to shew presently. Keeping in view, however, even the most distressing part of the Act, I think I shall make it evident, almost to demonstration, that the benefits not only to the country, but to a very large proportion of its inhabitants have much more than compensated for the money taken from the subject.

It is a justice due to the memory of Mr. Pitt, with whom the system originated, and a duty to those who have patiently acquiesced in it, to explain shortly what compelled the resorting to it; I hope, therefore the committee will permit me to bring to their recollection the circumstances which left no choice with respect to adopting the principle of raising a large sum of money within the year; the measures that have been taken for effecting that; and to what extent the object in view has been attained. The advantages which might have been derived from a modified continuation of the Act, at the present moment, will then be too obvious to need explanation.

In the American war, navy and victualling bills were issued without any definite time for payment, and consequently were at a great discount, 12*l.* to 14*l.* per cent.; at the close of it 16*l.* to 20*l.* per cent.; the non-interest bills frequently at 20*l.* The public therefore paid 100*l.* for stores of the value of from 80*l.* to 86*l.* In 1792 the bills issued for these services were at par, but got to a discount as high as 9*l.* and 10*l.* per cent. so early as the end of 1793; and in January 1794, to 11*l.*

To avoid so serious a loss to the public, an act was passed in April in that year, to provide that bills of this description should be paid with interest peremptorily at the end of 15 months: this produced the desired effect for a time, as the discount fell to 1½ in May, and fluctuated through the whole of 1795 to the middle of 1796 from 1½ to 4½; but rose again in August and September, 1796, to 14*l.* and 15*l.* per cent.; notwithstanding the certain payment at the end of a year and a quarter.

Mr. Pitt therefore in this instance, as in every other in his life, determined to meet the difficulty, however great it might be, rather than the public should sustain so severe a loss; bills were therefore funded to the amount of 11,595,000*l.*, and an Act was passed on the 31st December, (parliament sitting on till after Christmas for the purpose) to provide that all navy and victualling bills should be issued payable in ninety days; from which time stores and provisions have been bought, and transports have been hired at ready-money prices.

The 3 per cents, which were nearly at par in the beginning of 1792, fell to 76 before the end of December in that year; they were however no lower than 70*l.* at

the opening of 1796, but in January 1797 they had fallen to 55½%. and at the end of May they were as low as 47½%, 7% or 8% lower than at any time in the American war; at which price they were in February 1798; notwithstanding the operation of the sinking fund established in 1786, improved by that of 1792, which last converted every sum borrowed into an annuity for a term of years, longer or shorter according to circumstances.

It was under this most discouraging state of public credit, that the determination was taken in the summer of 1797 to raise a considerable sum within the year. The measure was untried to any extent, whatever the urgencies of the country had been. It is not surprising therefore that a variety of difficulties should present themselves, in whatever shape it was proposed to effect it.

After much consideration it was thought the most tangible one would be a charge upon every one in proportion to the payments on assessed taxes;\* as the amount of these could be ascertained, an Act was therefore passed in January 1798, for a charge equal to five times the amount of those taxes, with various modifications; and with abatements from all income under 200% a year.

This experiment did not succeed; the charge was found to bear most unequally; many of those who were best able to pay, and who were the fittest objects of taxation, escaping almost entirely, and others contributing in infinitely smaller proportions than they ought to have done. This accounts for the sum raised being very little more than 3,600,000% which was brought up however to 6,000,000% by voluntary contributions from all descrip-

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\* The Chancellor of the Exchequer mentioned an instance in the 1st of queen Anne; there are, I think, one or two others about that time, producing sums to no great amount. In the 34th Edw. 1st, there is an entry in the rolls of parliament, prescribing the mode of levying the tax of 1-90th generally, and 1-20th on tenants in demesne by assessors, taxers, and sub-taxers upon oath.\* And in the 17th Edw. 2nd, it was provided that the chief taxers themselves should be taxed by the lord treasurer and barons of the Exchequer.†

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\* Rot. Parl. Vol. 1, p. 269.

† Rot. Parl. Vol. 1, p. 459.

tions of persons at home and abroad: but exertions such as were then made by individuals, unexampled, I believe, in the history of the world, could not be expected to be continued; nor would it have been just to call for or to accept them, draining the purses of the loyal and liberal subjects, while others of a different description escaped altogether.

To remedy these objections, an Act was passed in January 1799, for repealing the one I have been speaking of, and to impose duties on income in lieu thereof, to be charged on the property of persons in Great Britain, though not residing there, and on all income of personal property of 10% per cent. on all above 200% a year, and less than that in proportion down to 1-120th part; with further allowances for children.\*

Under this Act, which was repealed in May 1802, in consequence of the peace, the revenue raised on the average of the three years they had been in force, was 5,560,000%; the produce having been very nearly equal in each.

On the renewal of the war, an Act was passed in August 1803, imposing a tax of 5% per cent. on profits arising from property, professions, trades, and offices; with abatements on profits less than 60% without any exception as to the nature or description of the income, and from that to 150% a year.†

In March 1805, an addition was made to the 5% per cent. of 1803, of one-fourth of that sum, making the whole 6¼%.

Thus stood the property tax, till the administration was formed in 1806, composed of the friends of the gentlemen opposite to me. It was under that administration that not only the tax was increased in amount to 10% per cent. but the pressure on classes most entitled to relief was aggravated; by the act brought in by them, the allowances under the former laws for repairs of houses, buildings on farms, &c. were taken away.‡ These

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\* 39 Geo. 3, chap. 49, amended by 39 and 40 Geo. 3, chap. 19.

† 43 Geo. 3, chap. 122, amended by the 44th Geo. 3, chap. 37, 82 and 83.

‡ By the 45 Geo. 3, ch. 15.

§ Under the Act of the 46th of the King, exemptions are restricted to persons whose aggregate income does not exceed 50% a year, and no exemption is allowed in respect of income from lands, stock in the funds, or interest of money

were the measures proposed by successive administrations, and adopted by parliament, for raising large sums within the year.

I come now to the clear and decided advantages that have been derived from that system, which I will explain as briefly as I can, supported by such proof as can leave no doubt on that part of the subject. It has been stated that at the end of the year 1796, the discount on navy bills was as high as 15*l.* per cent. (although the payments were absolutely certain at the expiration of 15 months, with interest), to which it had risen from 3½*l.* at the beginning of that year; it was therefore quite evident that if means had not been taken for the cure of that evil, and for the prevention of it in future, the discount would have been still higher; I will however suppose it only at that rate: the sums paid for services for which bills had always been issued by the naval and ordnance departments, amount from January 1797, to the close of the last year, to about 235,000,000*l.*, the loss on which by discount at 15*l.* per cent. would have been 37,500,000*l.* to which amount, at the least, there has been a saving to the public by paying for stores and transports in ready money, or in 90 days bills, which are considered as the same.

I assume in the first place, that no loan from 1798 inclusive, would have been made on terms so advantageous to government, as taking the 3*l.* per cents. at 50: the ground for which appears to me to be quite indisputable; having shewn that

lent. The exemptions therefore, narrowed as they were, were confined to the profits arising from the occupation of land, from trades or professions, wages, salaries, or other profits derived from personal labour. Income from every other source, however small, was subjected to 10*l.* per cent. except annuities for life of small amount, if arising from profits belonging to other persons under wills or deeds. Whereas, under the former Acts, persons whose aggregate incomes were under 60*l.* a year, were entirely exempted from any charge from whatever source they might arise; and incomes of 60*l.*, and under 150*l.* were entitled to abatements, without distinction as to the source of their income. Under the Acts of the 48 and 50 Geo. 3, the powers and authorities of the surveyors and inspectors were somewhat restrained.

the 3*l.* per cents., when the first Act passed in January in that year, had fallen to 47½*l.*, with the support of the sinking funds of 1786 and 1792. It is impossible to doubt, but that under the immense accumulation of debt subsequently incurred, the capital of which increase exceeds 600,000,000*l.*, the funds would have been much, very much lower, if we had relied on the old system of borrowing the whole sums wanted; especially if we take into our consideration, that when the 3*l.* per cents. were at that low price, the unredeemed debt of Great Britain was 364,000,000*l.* and that it has been progressively accumulating to this time to 649,000,000*l.* I will suppose, however, that the sum above mentioned had been funded so advantageously, as the 3*l.* per cents. at 50*l.*; a most sanguine and extravagant expectation; a capital would have been created in that fund of 296,000,000*l.*; but as a part of the loans have been made in stocks at a higher interest, I will suppose the capital created would have been 260,000,000*l.*

The national debt would have then been increased to that extent; and the interest and sinking fund required would have been 10,400,000*l.* computing the interest on that capital at 3*l.* per cent., whereas a part would have been at 4*l.* It is evident, therefore, that the public would have been relieved from taxes to that immense extent in perpetuity, by the temporary payments of 5*l.*, 6½*l.*, and 10*l.* per cent.

This, however, is not all; nothing can be more certain than the point already urged, that the expectation of the 3*l.* per cents. being as high as 50*l.* during the war, or in the short interval of peace,\* could not have been realized; I have a right, therefore, to assume the benefit to the public of the difference in funding from 1797, between the 3*l.* per cents. at 50*l.* and

\* This is stated on the experience of the American peace: after the preliminary articles were signed, the 3*l.* per cents. were 68, and in September 1783, when the definitive treaty was concluded, they fell to 64½*l.*, and in October 1784, they were so low as 54½*l.*; in the spring of 1785 (two years after the peace) they were at 55, owing, as in the present instance, to the necessity of providing for the heavy expenses of the war; but from the operation of the effectual measures at that time taken, they rose to 70*l.* before the close of that year.

at 60*l.*, which is about the average price\* at which the loans have been made. Now the sums raised by loans, from 1797 to the present time, amount to 597,094,000*l.* and have created a capital of 604,457,000*l.* taking the long annuities at 16 years; which capital would have been 60,445,700*l.* more, if the money had been borrowed with the 3*l.* per cents. at 50*l.*

To the extent of the difference between that and the capital actually created, the national debt is less than it would have been, if large sums had not been raised within the year; and taxes must have been found to pay the interest and to provide a sinking fund for that capital, which would have been so increased. The following statement will, I hope, shew these advantages in an intelligible manner:

Capital that would have been created by funding the† 148,000,000 <i>l.</i> raised within the year, the price of the 3 <i>l.</i> per cents. at 50 <i>l.</i> ; the other stocks in proportion.....	£†260,000,000
Capital on the amount of loans since 1797, if made at 50 <i>l.</i> instead of 60 <i>l.</i> , would have been, taken low,.....	40,000,000
Saving of capital.....	£300,000,000

Interest on that at 3*l.* per cent. and 1*l.* per cent. for the sinking fund, would have been 12,000,000*l.*

The certainty of this cannot be questioned, without the accuracy of my premises being denied; about which I feel most perfectly confident. Here then the public have the immense benefit of a diminution of the national debt of 300,000,000*l.*, at the least, and a saving of perpetual taxes to the amount of 12,000,000*l.* annually. On speaking of these advantages we should not lose sight of the saving on the expenditure of the

\* The precise average is 60½.

† This is exclusive of the other sums raised within the year by war taxes; the whole together amount to 212,640,000*l.* from the commencement of the last war only.

‡ The capital is reduced to this sum, on a supposition that a part would have been funded at a higher rate of interest than 3*l.* per cent.

different departments paid by bills, taken low, as I have already observed, at 37,000,000*l.*

With respect to the advantages derived by classes and individuals to which I have alluded, arising from the system adopted by Mr. Pitt, I will begin with the stockholders; and, for illustration, will suppose a man to be in possession of 10,000*l.* stock in the 3*l.* per cents.

That stock at 65*l.* is worth .....£.6,500  
At 50*l.*\* would be worth..... 5,000

Gain by the holder, in stock ..... 1,500  
Supposing him to have paid 10*l.* per cent. on his dividend of 300*l.* a year for 16 years, he would have paid ..... 480

Gain..... 1,020

But in truth he has paid 10*l.* per cent. only nine years of the period, during the other seven years he has paid 5*l.* and 6*l.* 5*s.*; he has therefore gained more than the sum above mentioned on what his capital would have been by paying 10*l.* per cent. on his income.

The landed gentlemen have profited also to a very considerable extent. It is an established fact, incontrovertibly proved before the corn committee, that the rent of land is doubled within the last 20 years, during 18 of which this system prevailed; now I would ask any gentleman who hears me, whether he conceives it would have been possible for improvements to have been carried on, so as to have enabled such rents to have been paid, if the interest of money in the funds had been 6*l.* per cent. We know in the American war how much improvements were at a stand; how depreciated the value of land was, and how extremely difficult it was to raise money on the most unexceptionable securities. There were instances of land sold in many counties (I believe in Middlesex) at 22 and 23 years purchase, the common rate of average being now, I think, from 28 to 30; in some parts of the country more: and the difficulty of borrowing was so great, that it became extremely common to give large premiums (evading the law against usury) to obtain sums on mortgage on fee-simple and un-encum-

\* I think I have established, from experience, that they could not have risen on the commencement of the peace above the depressed war price.



bered estates. I recollect an instance of 1,000*l.* having been offered, on the part of a nobleman, to obtain a loan of 10,000*l.* on a security about which there was no doubt.

The manufacturers have certainly been abridged in their incomes, but they have profited by the interest of money being kept at a rate which has enabled them to add to their capital when they found occasion for doing so, either by selling stock or obtaining loans. The pecuniary assistance too given by Great Britain to other powers, opened great and important markets to them which had been shut, and would probably have remained so for a long time, if not permanently. And last of all, though by no means the least, they are secured by the peace, in the free transit of their goods, and receiving remittances throughout this quarter of the world, of which an expectation could not have been entertained, if the contest had not been brought to a successful termination, by the means to which we have been alluding.

If I were to advert to other general and infinitely great advantages secured to this country and to Europe by that fortunate termination, I should occupy so large a portion of the time of the committee as would be inexcusable.

There remain then the cases of persons with moderate or small incomes, small traders, and professional men, farmers, and certain allowances to land-owners, for which I should have very anxiously wished provision to be made. I am aware there would have been difficulties to encounter in regulating the detail; but I am persuaded these might have been surmounted; and that the descriptions of persons to whom I have alluded might have been effectually relieved.

If I am told that, admitting all my observations to be strictly correct, we have had the benefits of this tax that was imposed only for the war; the war is over, and it ought consequently to drop; I shall advert to my former observation, that that consideration should depend upon the degree of exigency the country may be in on the first return of peace; and I have a clear conviction that we are now in a much greater one than we were in on the termination of the contest with America, France, Spain, and Holland.

It has been stated by a right hon. gentleman opposite, that our surplus revenue does not exceed the charges upon it, in-

cluding those to be provided for winding up the expenses of the war, and making provision for the interest of the unfunded debt, by more than 50,000*l.* or 500,000*l.* it matters not much which; and yet with that impression on his mind I believe he has joined his friends in pressing for the entire and sudden abandonment of a tax producing nearly 14,000,000*l.* without a thought having been bestowed on the practicability of its being so modified as to bear infinitely less hard on some classes, and to exempt a great number of persons altogether; or the possibility of finding productive taxes, in lieu of it, to a great amount; and most especially whether such taxes (if found) might not be more oppressive than the one so strongly objected to.

The statement of the surplus revenue by my right hon. friend, the Chancellor of the Exchequer, certainly differs from the one last mentioned; but as my right hon. friend, in his statement of 6,400,000*l.* included nothing for winding up the expense of the war, or for the interest of Exchequer-bills, the difference between the two, on examination, will not be quite so great as would appear at the first glance.

Viewing the subject in this light, and convinced of the difficulties with which my right hon. friend will have to contend, I have no hesitation in expressing my deep and sincere regret, that he has not been allowed to make an attempt so to modify the tax as to relieve the description of persons to whom I have alluded, and to leave it on those who could best bear it; the latter unfortunately will be relieved by its being suffered to expire, in an infinitely greater proportion than they can possibly be reached by any other mode of taxation that can be resorted to; and as the money must be raised, they can be relieved only at the expense of persons less opulent, and in inferior situations in life.

My right hon. friend having been deprived of the best resource we had, he is well entitled to all the assistance that can be given him; I heartily wish mine could be useful, but I fear he cannot receive effectual aid from any quarter, respecting the imposition of new taxes sufficiently productive; in his endeavour however to do so, I hope he will at least meet with no resistance.

Under the various pressures there have been upon the country, I have never heard

of any other suggestion for raising a large sum within the year, except a tax on capital; which I allude to, merely to shew the absolute impracticability of it, notwithstanding the countenance it received from the publication of a very learned and most respectable prelate ten or twelve years ago.

It must be evident, on a very little consideration, that no means could be invented for ascertaining the value of property real or personal in an immense variety of cases; and if this difficulty could be disposed of, it would be found that the parties in many instances, on whom the charge would be made, would be within no possibility of raising the money due.

The infinite variety and complicated modifications and limitations which the law of the country has admitted into wills and settlements, I believe frequently perplex professional men to decide whether a party has an estate for life, or an estate tail, or a fee, or any estate. In many cases the heir could not raise the money; and the remainder-man in none, as he could not mortgage, having no title; and it is quite evident that the interests of all these persons should be put together to make the present value of the land to be taxed. In personal property the same difficulties must be encountered as in the case of land; as instances are perpetually occurring, who is entitled to such personality; whether it is well limited, whether agreeable to law, or otherwise, &c. &c. These various difficulties are so apparent, that I should not be justified in taking up more of the time of the committee in alluding to them.

Under the strong impression on my mind, satisfied to conviction on very long experience and deep reflection, that the ingenuity of man cannot devise so wise and provident a mode of raising the money immediately wanted as by the property tax amended and modified, I must lament the state in which my right honourable friend will be left by its being dropped.

Mr. C. Grant jun. observed, that the termination of the war found the country in a much better state than it would have found it, if the measures which had been proposed by a former administration had been acceded to. If those measures had been adopted, the war taxes, and even a part of the property tax, would have been mortgaged, and it would have been ne-

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cessary to have raised a larger sum in permanent taxes than was that night proposed. As to the property tax which had expired, it was hardly necessary to make any remarks upon it; but as the gentlemen opposite seemed 'afraid of this gunpowder Percy, though he be dead,' he should observe, that the tax had not been more inquisitorial than other taxes. Neither did he see how it could, with any delicacy, be called unconstitutional. The authority of Mr. Pitt might not be great among the gentlemen on the other side of the House; but they would acknowledge, that if Mr. Fox had thought it unconstitutional, no necessity would have induced him to have adopted and extended it. The mode of arguing against the Resolutions seemed very extraordinary. Without entering into the general merits of the propositions of his right hon. friend, it had been objected that his manner of proceeding was unparliamentary, because he had proposed the ways and means before the supplies. Now, it had been justly observed, that the supplies had been already voted. It had also been objected that the amount of the reduction to be effected in the navy, army, &c. had not been stated. Now, at this time, it was impossible for any man to state what the reduction of the army or navy expense would be; because, though the present had been spoken of as a year of peace, it was a year of war expenditure. The right hon. gentleman (Mr. Tierney) had denied credit to the statement of his right hon. friend, the Chancellor of the Exchequer, as to the probable amount of the peace expenditure. Now he would leave it to the committee to decide on whom they would rely. Another supposition of the right hon. gentleman, that the object of ministers was a further adjournment, was so far from all probability, that it had been received by the House with a sort of dumb astonishment, equal to that of my uncle Toby, when he learnt there were seven sacraments. He said, he had heard no valid reason for objecting to the Resolutions.

Mr. Fremantle said, the right hon. gentleman on the floor (Mr. Rose) had told them that the country would be more distressed from the taxes which were to be imposed, than from the property tax which had been abandoned. This was, indeed, a cheering prospect at the termination of a war, that the taxes were to be more burthensome than they

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had been during the war ! The peace establishment was to be nineteen and a half millions, which, with the interest of the debt was 54 millions. It would be well to compare this expense with the expenditure in 1786, three years after the termination of the American war. The interest of the debt, and the whole peace establishment, together was but 14,500,000*l.* while the expenditure at present would be nearer 60 than 50 millions, as the unfunded debt, and the loans to be raised, were not included in the Chancellor of the Exchequer's calculations. It had been said, that the amount of the peace expenditure could not at present be calculated, as we were now on a war establishment. Why, he would ask, were we still on a war establishment? We had been at peace for nine months, and had a right to expect a reduction in our expenditure, proportioned to the change in our situation. By the treaty of Chaumont we were told that we were to keep up our war establishment until the Congress at Vienna should have settled the affairs of Europe, and we were in consequence, though in perfect peace with Europe, keeping up an army larger than that of Marlborough and all his allies; or than that which the country maintained in the arduous war with America. He should therefore object to the Resolutions as loading the people at the end of the war with taxes, of which they knew not the application. It was true, that some supplies had been voted, but not the whole; they had only been voted on account, and the House would be called on to vote more. To adopt the Resolutions, ignorant as they were of the grounds on which they had been called for, would be to abandon the people instead of protecting them. The people had borne the burthens of the war with unexampled patience and good humour, and they had bestowed no boon on them but eleven millions of permanent taxes, though it was true another boon had been held out to the people, namely, to fix at a permanently high price the staple article of their subsistence. As no measures of economy had been taken, as the militia was not yet disembodied, and as the ministers had come to parliament with a proposition for laying out 800,000*l.* of the public money to erect a new post-office, and had, on all occasions, shown themselves lavish and inconsiderate, he should oppose the Resolutions in every stage.

Mr. *Huskisson* thought the hon. gentleman who had preceded him had been rather warm, when he had stated it to have been the intention of the House of Commons to starve the people. When the question of the corn laws came to be discussed they would have an opportunity of hearing that hon. gentleman's arguments, and of judging whether he could make it appear that a high price of corn would be the effect of the proposed measure. The manner in which the resolutions had been that night opposed, was very extraordinary in a matter of finance. The Resolutions had been objected to, not on account of any want of merit in them; but, because the manner of proceeding of his right hon. friend was unparliamentary. It had been sufficiently explained that the ways and means had not been called for before the supplies had been voted; and as to the objection, that the Chancellor of the Exchequer was laying the foundation of a system by which he would be enabled to supply the exigencies of the state without coming to parliament, he had fairly stated that he should be happy as soon as was possible to lay before the House the particulars of the peace establishment, and he had candidly invited the gentlemen on the other side of the House to examine whether there was a redundancy in any part of it. But to call on him at present to lay before the House all the particulars, was requiring an impossibility. Another estimate, still more extraordinary, had been called for by an hon. friend of his (Mr. *Baring*), who had wished to know what the probable diminution in the revenue would be, in consequence of the peace. For his part, he (Mr. *H.*) did not think that any diminution was to be expected. Nine millions of taxes had been that night remitted, which would be thrown into the usual channels of expenditure, and find its way into the Treasury. If the rent of land was diminished, as well as the price of labour, this circumstance might diminish the amount of the revenue, but the stockholders, whose nominal revenue remained the same, becoming more opulent by the reduction of prices, would augment the revenue by their increased expenditure. To call on the Chancellor of the Exchequer to state hypothetically the diminution of the revenue, was certainly a novel proceeding. As to the difference between the statement of the Chancellor of the Exchequer and the right hon. gentleman (Mr. *Tierney*),

it would not be so wide when the unfunded debt was taken into consideration, and the deficiency of the revenue of Ireland, when compared with the charges upon it; but his right hon. friend had probably other means of meeting the additional expense which would flow from these sources. The statements of his right hon. friend that it would take four years to wind upon the war expenses, did not imply that the navy and army were to be continued on their present footing. It was the duty, and undoubtedly it was the intention of his Majesty's government to reduce them as soon as such a step could be conveniently taken.

Mr. *Forbes* made some observations on the present state of communication by letter with India, which we understood him to state was very uncertain and expensive, by which means the privates of the Indian army were often precluded from receiving news from their friends.

Mr. *Bennet* wished some answer to be given to the question respecting the appointments of the governor of the Cape of Good Hope.

Mr. *Townsonby* said, on the Report, he should take the sense of the House upon the Resolutions, on the ground that they granted money, but no account had been given to what that money was to be applied.

Lord *Milton* repeated the question respecting the salary of the governor of the Cape.

Mr. *Peel* said, the salary of the civil governor was 12,000*l.* a year, as far as he remembered. The military government was an office distinct from the civil government, and to the person holding that office the usual allowances were made.

Lord *Milton* wished to know whether the same person held the civil and military appointments, and what were the allowances to the military governor?

Mr. *Peel* said, the Cape revenues defrayed the salary of the civil governor, and, he believed the expense of the Cape regiment. The military governor's appointment was 9 or 10*l.* a day.

Lord *Milton* observed, it was the same whether the salary was paid from the Cape revenue or by this country, as the Cape revenue, if not thus expended, would be applicable to the other expenses of the colony. Did the same person enjoy both salaries?

Mr. *Peel* answered in the affirmative. It was not material, in the way the ar-

gument was framed, whether the salary was paid out of the Exchequer, or from the Cape revenue.

Mr. *Baring* repeated the manner in which he had introduced the subject; and observed, that it made no difference as to his argument, whether the enormous salary were paid from the Cape revenue or from the Exchequer. He should say no more on the subject, as he hoped the abuse would be done away; or if not, he should make a motion on the subject. He wished to know from the Chancellor of the Exchequer, in the first place, whether the interest of the debt to be contracted was provided for by the taxes voted that night? and secondly, whether the dividends payable on stock in July would be subject to deduction for the property tax?

The *Chancellor of the Exchequer* said, that he considered the ways and means which he had brought forward to be applicable to the loan of the year, unless other taxes were provided. As to the July dividend, it would be subject to no deduction for property tax. From the dividend payable in April, a half-year's tax would be deducted. The exemption of the July dividend had been determined by reference to the commencement of the tax, when it was found, that though the tax commenced only in April, a half-year was deducted from the July dividend. By a parity of reasoning, the next July dividend would be entirely exempted; a dividend being considered at law an entire thing, not divisible.

Mr. *Tierney* asked the Chancellor of the Exchequer how much of the five millions he calculated on to meet the loan, and how much of it was for supplies to be raised within the year?

The *Chancellor of the Exchequer* said, that he was not prepared to answer.

Mr. *Tierney* said, that was exactly what he expected. It was a sort of *hocus pocus*, in which the Chancellor of the Exchequer proposed a large sum, without being able to state what it was wanted for. The reason that he wished particularly to be informed on this point was, that whatever was voted merely for the interest of the loan of the year, went on one principle; whereas every thing that went to raise the supplies for the year within the year went on another. The difference was between a war system of taxation and a peace system. He never could vote the ways and means in a lump, without being able to see clearly upon what principle of taxation ministers were proceeding.



Sir *William Geary* considered the present to be an exceedingly wrong scheme. No scheme he had ever heard brought forward in that House, appeared to him to be so fundamentally wrong. Never had he seen it proposed to impose a tax, even to the smallest extent, without an estimate of the sum required being laid before the House. The sum which the House were now called on to vote, was 14 or 15 millions; because though nominally only about five millions were to be provided, to make up a supposed deficiency, arising from the failure of the property tax, yet, as the other taxes proposed to be continued were war taxes as well as the property tax, they, as well as that tax, ought at once to have been taken off with the return of peace. He was prepared, therefore, to oppose this and every other tax, imposed merely as a war tax; esteeming it, as he did, to be an essential principle of justice to the country, that all such taxes should end the moment the war ceased. It was on this principle that he had first consented to open the pockets of the country; but the same necessity not now existing, he did not see that the same burthen could with any consistency be continued. What was the plan of the right hon. gentleman, as developed this night, but a change of name for the property tax?—a continuance of that which, by special agreement, ought to have been set at rest along with the other war taxes, at the conclusion of a treaty of peace. He considered the proposition of the right hon. gentleman, therefore, as unconstitutional: and, as such, he could not consent to vote the money of the people without an estimate. A right hon. gentleman opposite (Mr. *Huskisson*) talked as if the House had already granted supplies which the proposition of the present night was intended to cover. He (sir W. G.) knew that 12 millions had been borrowed during the present session; but did the right hon. gentleman call this a supply? When he saw 19 millions of money granted for four successive years, was it not his duty to look upon such a circumstance with suspicion? Did ministers really know that in four years we were to be again at war? He, for one, did not see any thing to involve us in war, if there was only something like wisdom in our government. Why, then, should we anticipate being at war? He could not view such a thing anticipated, without feeling suspicion arise in his mind; neither could he consent to vote 14 or 15 millions annually without an estimate,

Mr. *Huskisson* was not surprised that the hon. baronet should say that no estimates of the present grants had been laid before the House, the hon. baronet not having been present at the time they were presented. In point of fact, however, there had been estimates laid on the table of the House, much more than sufficient to warrant the present propositions, which, he contended, were neither unconstitutional nor unparliamentary.

Mr. *Tierney* contended, that the House was bound to see the estimates of the sums required of them, and of the state of the country, before they began to grant either supplies, or ways and means to cover the supplies. Here they were called on to provide not only for one year, but for four years. The House was called on by the right hon. gentleman to make good a sum of a former grant, which had been appropriated by him in a way which was not known; simply, on this assurance, that he would want more money before the year was expired. He, however, felt it his duty to limit the grants to the right hon. gentleman within an intelligible sum, and this he could not do without seeing the estimates. He would not consent to vote the ways and means, the hour of peace being now arrived, till he saw the estimates; till he was enabled to judge of the situation of the country; and then, if it should appear that the country was not in a situation of peace, let the right hon. gentleman shew to the House the war estimates. Let the question be postponed till lord Castlereagh should arrive. He was, according to the statements of his colleagues, to be daily expected. In that case, what inconvenience could there be in the delay? How could the House proceed to grant the ways and means for the year, till they saw the relative situation of this country with the rest of Europe? It was impossible that he, for one, could agree to grant a vote of war in time of peace.

Mr. *Ponsonby* asked, whether the Resolutions were not to be printed?

The *Chancellor of the Exchequer* conceived this to be unusual. He certainly wished that members should have sufficient time to consider them, but it would be very inconvenient to make any unnecessary delay in passing taxes which were to replace those that would expire on the 5th of April next. He should, however, have no objection to their being printed after the report was received. There

would be then time for sufficient consideration.

The Resolutions were then agreed to, and the Report ordered to be received to-morrow.

## HOUSE OF LORDS.

*Tuesday, February 21.*

NAVAL ADMINISTRATION.] The Earl of *Darnley* rose, pursuant to notice, to bring forward certain motions, with regard to the conduct of the Naval Department; but he declared that he should not do justice to his feelings, if, before he proceeded to describe these motions, he did not congratulate the House upon a recent achievement, which had formed a signal addition to our naval glory. This achievement, he observed, furnished one, among many other proofs, that no doubt could be entertained of the skill and valour of our naval officers and seamen, and that that skill and valour must be triumphant, if adequately directed, and aided by those entrusted with the chief command of our naval administration. But yet, the extraordinary sensation occasioned by this achievement, while it served to shew that no imputation attached to our naval officers and men, betrayed that a cloud hung over our navy, through the misconduct of our naval government, in the dissipation of which the public naturally exulted. It was certainly a fair subject of exultation, that notwithstanding the proverbial misconduct of our naval government, our naval war had closed with an act so worthy of our naval character. But, to illustrate the conduct of our naval government, it was to be remarked, that the *Endymion*, which obtained the late victory, was the only one among that class of frigates which was capable of carrying 24 pounders, and that at the time he first made a motion upon this subject that ship was not in commission. Nay, it would be found upon inquiry, that even this ship, notwithstanding its brilliant conduct, was not adequately supplied with men, and that such was the opinion of its gallant commander; yet the *Endymion* was much better manned than vessels of the same class had usually been some years ago, although, from the manner in which the American vessels were notoriously manned, a different system on our part was obviously necessary. But notwithstanding the challenge thrown out by the noble lord at the head of the Admiralty, at the

commencement of the session, it appeared that after three years continuance of hostility, that noble lord's system was still found to be ineffective. The noble lord had, in support of his challenge, dwelt much upon the captures made from the enemy, and especially upon the return of prisoners; but was it extraordinary that after three years warfare such a return should have been made, considering the amount of our naval power, and the extent of the enemy's commercial navy? He really could not think that such a return, under such circumstances, could serve to justify the noble lord's triumph. In describing the first motion which he proposed to submit, the noble earl took occasion to observe, that the American vessels notoriously mounted only the number of guns at which they were rated, while the English vessels mounted more, and that the former were efficiently manned, while a portion of the complement of the latter was made up of boys. Our frigates employed against America were, he maintained, as he had said on a former occasion, so constructed and manned, that they were not competent either to fight or run away. As to the construction of our vessels, he thought it highly material to consider the subject, whether the country was in a state of war or in a state of peace, because our security must so much depend upon the efficiency of our navy. The construction of our shipping had generally become a subject of serious complaint among naval men, while those to whom the complaint was preferred still persisted in their own system, either from overweening conceit, or from ignorance of the science of ship-building. As a proof of this pertinacity and ignorance, the noble earl stated that an order had been lately issued to build some sloops after the model of a vessel taken from the enemy, and called '*La Bonne Citoyenne*;' but so clumsily was the order executed, that none of the sloops so built were found sea-worthy. To shew this fact, he moved for certain documents, including the representations of the officers appointed to command these sloops, which were in no respect competent to cope with those of the enemy against which they were meant to be employed. The incompetency of these and of the other vessels employed against the enemy, involved a more serious charge against the Admiralty, because from various circumstances they had so much reason to calculate upon a

war with America, of the nature of whose shipping they could not be ignorant, and of course it was their peculiar duty to avail themselves of the opportunity for ample preparation. Yet, in no point of view were they adequately prepared, neither in the construction, size, nor equipment of our shipping. He did not mean to say that our Admiralty was culpable in not manning all our ships according to the plan of the Americans, but he would maintain that all the ships dispatched to the American station, or employed to cruise against the Americans, ought to have been so manned; and which the Admiralty was quite competent to provide. The omission to do its duty in this respect had indisputably led to the most unfortunate results, among which was the capture of the *Macedonian*, and the death of its gallant commander, who even before he sailed from Portsmouth notoriously complained of the inefficiency of his crew. It was for professional lords to say whether there was any thing erroneous or exaggerated in his statement—whether our ships employed against the Americans were defective or not. In order farther to demonstrate the inefficient manner in which our ships were manned, the noble earl announced his intention of moving for the minutes of the court-martial upon captain Barclay, from which it would appear, that the defective supply of men was the cause of that officer's failure. The Admiralty stood also charged with defective provision for our armaments upon the Lakes; but how did the accused repel this charge? Why, by a very notable expedient. They sent out frigates to be transported in frames to these Lakes. In order to display the character of this expedient, the noble lord said that he should move for certain papers with regard to the preparation and fate of the *Prompte* and *Psyche* frigates; but as to the large ship built upon Lake Ontario, it would surprise the House to learn, that such was the nature of the activity that belonged to the Admiralty, that that ship could not have been fitted for action if it were not for the stores and men furnished by the vessels which took out a portion of lord Wellington's army. To demonstrate this fact the noble earl described the motion which he meant to submit with respect to the naval armaments on the American lakes. There was another point upon which he thought it necessary to have the House fully informed, and that was with respect to the

nature of the protection provided for our trade against the cruisers of America, and with that view he should move for a return of our naval force upon the Cork station at the commencement of the American war. He had also a motion to submit, in order to ascertain whether our cruisers had in any case been instructed to avoid the ships of America. He hoped the noble viscount would be able to shew that the statement which had gone abroad upon this point was erroneous, for he believed that this was the first time in our history since glory had distinguished our naval annals, that an English ship of war had been directed to shrink from the enemy. Was it, he would ask, the case, or was it not, that such orders had been issued? He heartily wished that the noble viscount should be able to answer in the negative; but he had heard of a case in which a gallant commander was heard to say, that it was not his fault that he had not encountered the enemy. He (lord Darnley) however felt it his duty to make a motion, in order to ascertain whether any such orders had been issued, as that our cruisers should avoid an action with the enemy. The noble lord concluded with observing, that it did not follow because the war was at an end, that the House should not look back or inquire into any misconduct that belonged to any part of our administration; for such a position would serve to render parliamentary investigation a mere name. The repetition of misconduct or negligence would be best guarded against by due exposure and censure. If a case, then, should be made out from the papers for which he proposed to move, he trusted the House would feel the propriety of instituting an inquiry. For himself, he had no hesitation in declaring, that if the war with America had been properly conducted, defeat or disgrace would have stained no part of its progress. But the inquiry which he had in view would not be merely confined to the American war. His object was much more comprehensive. For he thought it highly material to ascertain the general state of our navy, in order to see how our naval administration had throughout performed its functions, and in what condition that force was left, upon which this nation must always chiefly rely for the maintenance of its safety and glory, and for the preservation of its due importance among the nations of the world. Upon such an inquiry he very much feared that

a large proportion of our navy would be found very ill constituted, and totally inefficient; and that, especially of late years, something radically wrong had prevailed in that branch of our service, which called loudly for revision and reform.

The following are the Resolutions moved by his lordship:—1. A List of all ships of war under the rate of line-of-battle ships in commission on the 26th of December 1814, specifying the number of guns, weight of metal, and complement of men and boys, distinguishing the latter in each class, together with a statement of the dates at which any of such ships have been ordered to be built, and have been launched since June 18, 1812.—2. Copies of all Correspondence between the Admiralty and Navy Boards on the subject of sloops of war, corvettes or 20-gun ships, built after the model of the *Bonne Citoyenne*, together with a list of those vessels, their dimensions and tonnage; and also the dimensions and tonnage of the *Bonne Citoyenne*; the expense of their first outfit, and the particulars and expenses of all alterations that have taken place in those vessels to the present time.—3. Copies of all Reports or Representations made to the Admiralty or Navy Board by officers commanding the said vessels.—4. Correspondence between the Admiralty and Navy Board, on the subject of the following sloops of war, built by contract, viz. *Eden*, *Mersey*, *Tyne*, *Tees*, *Tamer*, *Menai*, *Dee*, *Wye*, *Fozzy*, and *Conway*.—5. Copies of Reports or Representations made by officers commanding those ships to the Admiralty or Navy Boards.—6. Minutes of the Court-martial on the captain and crew of his Majesty's ship *Epervier*.—7. Minutes of the Court-martial on the captain and crew of his Majesty's ship *Avon*.—8. Copies of all Representations made by officers commanding ships of war, relative to the insufficiency of their respective crews, from the commencement of the war with the United States of America to the present time.—9. A Statement of the Expense incurred, as far as the same can be ascertained, in the original building and equipping or attempting to rebuild and equip the *Prompte* and *Psyche* frigates, and *Goshawk* and *Colibri* sloops, together with their present situation and state, according to the latest accounts received at the Admiralty, and if sold, the amount of such sale.—10. A Return of Stores furnished by his Majesty's ships *Centaur*, *Ajax*,

*Warspite*, *York*, and *Vengeur*, towards the equipment of the fleet on Lake Ontario, during the summer of 1814.—11. Copies or Extracts of Correspondence with the government of Canada, on the subject of the naval armaments on the American lakes; and an account of measures taken in consequence thereof by his Majesty's government.—12. A Statement of the amount and distribution of the naval force on the Cork station, under the command of admiral Sawyer, during the months of June, July, and August, 1814.—13. Copies of Orders or Instructions given to British officers commanding frigates, to avoid action with American frigates.

Viscount *Melville* thought it unnecessary to make many observations upon what had fallen from the noble lord, as, with one exception, he did not mean to oppose the motions. The noble lord, however, had thought proper to make a charge against the board of Admiralty, to which he felt it his duty to give an answer. With respect to the assertion, that our ships were not sufficiently manned, whilst those of the Americans were manned with picked men, whilst he admitted the latter part of the statement he must wholly deny the former allegation. For the Americans to man their five or six national ships with picked men whom they could select out of the whole maritime population of the United States, was undoubtedly very easy; but how was it possible for our navy to be manned in the same way? During the war we had 140,000 seamen, and it was an absurdity to suppose that they could be picked men. It was a question that required no argument; the thing was impossible. That our vessels were sufficiently manned, in the opinion of competent judges, he had no hesitation in asserting; and within the last two years the complement of men on board our frigates (including the *Endymion*) had been increased. As to the assertion that our ships, when they met with the Americans, were found inferior in force, if the noble lord could point out where these American ships were to be met with, care might of course be taken to send out a force specially adapted for the purpose; but when it was not known in what quarter they were to be met with, and where, instead of the actions with those ships having been fought on the coast of America, they had taken place any where but on that coast, with one or two exceptions, how was it possible to adopt any extraordinary pre-



cautions with the view of meeting with them? He again repeated, that our ships, in the opinion of competent judges, were sufficiently manned. As to the statement, that ships were not built in our dock-yards upon a model calculated to meet those of the Americans, the fact was, that the whole system of our navy had been from time to time adapted to meet that acted upon by our enemies. Thus with respect to France, when at war with that power, the system of our navy was altered with regard to frigates, the French sending to sea no 32-gun frigates, that class of our ships was no longer added to, but frigates of a higher rate were built. It was, in short, the system regularly acted upon to proportion the rates and size of our ships in such a way that they might be means of defence or annoyance equal to those of other powers with whom we might be at war. With respect to the class of vessels built on the model of *La Bonne Citoyenne*, to which the noble lord had so strongly objected, he had only heard of two of those vessels being complained of. It was a fact well known, that classes of vessels built upon the same model never had been all equally well constructed. This might be owing to a variety of causes, but such had invariably been the fact. It was the case with regard to some 74-gun ships built a few years ago, most of which had been highly approved of, whilst of a few of them complaints had been made; so with regard to the class of vessels alluded to by the noble lord, the greater part of them were considered very excellent vessels, having many desirable qualities as he happened to know from private communications, whilst of two only, so far as he recollected, complaints had been made. Officers of course having the command of vessels did not sit down to write a complimentary letter to the Admiralty upon the state of their ships, but departed satisfied. If, however, they had any fault to find, they wrote a letter of complaint; and the motion of the noble lord, regarding this point, would only produce letters of complaint respecting two of these vessels, the rest of them being highly approved of. With respect to the class of small vessels, to which the noble lord had objected, one officer at least was of a different opinion; that officer might not, perhaps, know so much of the subject as the noble lord; but sir Alexander Cochrane, the officer to whom he alluded, had thought it so essential to

have an additional number of gun-brigs, which he considered of the greatest service on the coast of America, that he had sent home requesting ten or a dozen more of them, or as many of them as could be spared. As to the protection of convoys, there was no officer who knew any thing of his profession, who was not of opinion that two small vessels of force were better than one large one for the protection of a considerable convoy; and there were repeated instances of officers having the conduct of a convoy making application for small vessels, as the best means of keeping together and protecting the convoy. With respect to a defective construction of our ships, unfortunately he must admit it; but upon what ground could blame be attached regarding this point to the present board of Admiralty? The system of building had gone on for nearly a century, under successive boards of Admiralty; its defects were pointed out by the commissioners of naval revision, whose labours had been of essential service to the country. The evil was the want of a sufficient union of scientific knowledge and practical experience, which had been attained in France, in Russia, and Denmark. Here his lordship read an extract from the Report of the Commissioners of Naval Revision, and observed, that the Report had been laid before the board of Admiralty in 1806, but not acted upon till 1807, when it was referred to a committee, and under the administration at that board of a noble friend of his, then in the House, it was determined to carry it into effect. The improvements then suggested were now in progress. It was therefore manifestly unjust to blame the present board of Admiralty for the defective construction of vessels, which they were adopting every means to remedy. With regard to the charge of the noble lord as to the building vessels, and sending them out in frame to Canada, that measure had been suggested by sir John Warren; and it was thought far more expedient for those vessels to be built here and sent out in frame to Canada, than for the artificers sent from here to be employed in building such vessels in our colonies, where their time might be occupied more usefully in other work. As to the vessels not having been sent to their destination, the noble lord, if he had looked at the paper in his possession, would have found that one of them was actually sent. The government there

acted upon their knowledge of the limited means of transport, but one of the vessels certainly was sent. He had, therefore, only to repeat what he had before urged, as to our vessels being sufficiently manned and generally well adapted to the service; and the expense would be much too great, of building a numerous class of vessels to compete with the few that the Americans possessed. With regard to the last motion of the noble lord, as to instructions sent out to the officers of frigates, not to seek an encounter with American vessels, nominally so called, but in reality of much larger force, the instructions having been secret and confidential, and sent to the commanding officers on stations wherever necessary, accompanied by other matters, he must object to the production of such letters during the continuance of the war. After the ratification of the treaty with America had been received, he should then have no objection to the production of the documents alluded to. He was, however, fully prepared to justify in this instance, as in others, the conduct of the board of Admiralty. He apprehended, that if the captain of a frigate sought an encounter with a French line-of-battle ship, that he would be of course brought to a court-martial; and if the honourable feelings of our officers commanding frigates of an inferior rate, led them to encounter vessels, nick-named frigates, but which were in reality line-of-battle ships, was it not incumbent on the board Admiralty to check that ardour, and prevent the useless sacrifice of lives? He objected to these frequent discussions of different parts of the subject, as highly inconvenient; he was fully prepared to meet the noble earl upon the general question, involving the conduct of the naval administration during the war with America; but he could not but object to the delay of this discussion, particularly as the greater part of the papers moved for by the noble lord had no reference to the question.

The Earl of *Darnley* shortly explained, and observed, that the size of the American frigates was fully known to the board of Admiralty three years ago; and therefore, the useless sacrifice of lives on board the *Macedonian*, the *Guerriere*, and the *Java*, might have been prevented.

The first twelve motions were then agreed to, and the thirteenth lord *Darnley* withdrew.

(VOL. XXIX.)

MILITARY ESTABLISHMENTS IN TIME OF PEACE.] Lord *Grenville* rose and said:—In consequence of the notice I gave, I now rise to move for two papers; and as I understand no objection will be made, and hardly any objection could by possibility be made to them, a very few words will be necessary on my part. The first motion is for a statement of the amount of the effective force now maintained by this country in the different foreign stations in Europe. The second motion is for a statement of the staff establishments maintained by this country in different parts of the world, both at home and abroad. I must beg leave to remind the House, that at the very commencement of the session, I drew your lordships attention to a circumstance which I then stated, and which I still maintain, to be unparalleled in the annals of this, and I believe I might say, of any other country,—that from the period when the allies at Paris, made a termination of the great and dreadful contest in which we were then engaged, to nearly twelve months after that triumph, this country continued to maintain an immense army on the continent, and in different parts of the world. Your lordships were informed last session, that the expense of a very large part of the military force of all the nations of Europe, was to rest on the shoulders of the people of this country, not only till the object for which we were at war was attained, or for any short period after, but during the whole of the year in which that engagement was made: so that nearly up to the time at which I am now speaking, we have been subsidizing almost every power, military or un-military, in Europe; and these powers whom we have been thus subsidizing, have meantime been, if not in a state of direct warfare, in a state of hostile preparation and menace. This was the unexampled condition of this country; that we were a great nation, not subsidizing its allies for the support of its own interests, or some one great end, but subsidizing nations to support against each other, opposite and contradictory objects. This was the disgraceful situation in which the country was placed: but that evil is now closed, and the period I hope has arrived, when the last farthing of British money, to be employed in subsidizing foreign troops, has been expended; and we have now to consider, how that which remains to us can be employed in consolidating our own

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security, augmenting our own prosperity, and alleviating the burthens of our people.

But, my lords, though we have come to a close of the account as to the payment of money, the papers for which I am about to move will prove, that we have been maintaining in different parts of Europe, a larger army than in any former war Great Britain ever maintained; maintaining nearly twelve months after the close of the war a large force, the expense of which is thrown on the already-overburthened shoulders of the people. The question of the propriety of maintaining this force is not now to be argued; but the fact will soon be on the table of the House in a regular form, instead of being only known from some hint in some speech of some person, delivered at a time when perhaps there were hardly any hearers. The fact will now be before us—a fact certainly new and wholly unprecedented; and if it is to be justified at all, we must know the grounds on which it could be so justified. When this subject comes to be examined, and undoubtedly it will be examined, two distinct views must be taken of it, which though I shall not now enter upon, I think it fair to put the House in possession of: the first is its effect on our financial system; the other, its effect on our political interests at home and abroad. As to the first point: when in the last year, by a most extraordinary turn of events the contest had been brought to a close, it was thought that not one moment would be lost to replace in their enjoyments of peace the people of the country, but more especially in those enjoyments to which there was the most pressing need that they should be restored. We had called on the people to support the war by exertions unknown to us before—by exertions which none but a free people could make. We knew the zeal and cheerfulness with which the people had submitted to their burthens, under the impression of the necessity of the contest in which we were engaged, and that whatever differences existed as to the manner in which the contest should be carried on, or whether greater or less efforts should be made in different parts, no dissentient voice for many years was heard as to the necessity of hazarding every thing—of making all sacrifices to maintain the contest. Though the people cheerfully submitted, they hoped that the exertions would be continued no longer than the necessity continued, and that parliament would feel that the very extent

of their exertions, the magnitude of their sacrifices, and the manner in which they were borne, gave a claim which no generous breast could resist, to suitable exertions—to a zeal, animation, and an ardour superior even to that of the people, to relieve them as much as possible from the burthens they have borne. When, therefore, such an enormous expense has been incurred for the support of troops on the continent, after the conclusion of the peace, it will be necessary, when the consideration of that expediency is entered upon, that not merely some speculation of possible good—though none whatever can, I believe, be adduced—but a necessity so pressing, a duty so imperious, should be made manifest to do that which we must suppose to have been most repugnant to the feelings—to prolong the exertions of the country, when that necessity seemed no longer to exist. Such necessity, I am persuaded, cannot be proved, and the expediency of the measure cannot be supported; but even to afford some palliation, it will be necessary to shew that some political advantages have been derived to this country. And if none have been derived, as I am confident is the case, it must be shewn that some advantages might, by possibility, have resulted from the employment of the troops in the quarters where they have been maintained. As to the more enlarged view to be taken of the measure, as affecting our general interests, if I had on Friday brought forward the present motion I should have offered some observations. But in the speech of the noble earl last night, among many things to disapprove, I heard with pleasure that the moment will soon arrive when the House might be informed of the result of the negotiations carried on, from the entry of the allies into Paris to the moment when I am now speaking. Though this disclosure has been made, I cannot forbear remarking, that the engagement entered into on our part was, not to maintain our army as long as our own interests required it, but till the conclusion of the negotiations to be carried on between other powers—a period over which we have no control, and depending on the conduct of powers which it was impossible for us to regulate—a period which if interpreted to the extent of the terms employed in the treaty would exceed in duration any time which might be mentioned to show the absurdity of that engagement. Such is the state of the engagements to which the

country has been subjected ; but the opinion of one of the King's ministers has been given as to the probable termination of those engagements. That term, it is said, will soon arrive ; and when the result of the negotiations is laid before your lordships, this one point must be discussed either conjointly with the general question of those negotiations, or separately, as occasion may require ; and I shall then submit to your lordships the extreme impolicy of employing British troops in the different parts where they have been maintained, and particularly in the Netherlands.

The other motion it is still less necessary to explain. Whatever may be our policy as to the extent of the military establishment of the country, this is certain, that the House should know what efforts have been made, after ten or twelve months of peace, to reduce the expenditure of the country in that branch in which it most loudly calls for reduction—the different staff establishments maintained at home and abroad. The result I shall not anticipate. But if before this day I was anxious to know the result, my anxiety has been now increased to a degree which I can hardly describe. The necessity of a peace establishment, and of putting the military part of it down to the lowest level to which by any possibility it can be reduced, is obvious ; and I am prepared to show on what grounds the army might be reduced in point of establishment, if not in point of expense, to the level in which it stood when the late unfortunate contest commenced. But now, from the reports which have been spread abroad, I learn that the question is not what the peace establishment shall be, but whether we ever shall have a peace establishment ? I have been told that there was an individual capable of proposing, and an assembly of English gentlemen who had endured to hear of a peace establishment of 19 millions a year. A peace establishment of 19 millions a year ! I have not had the opportunity of consulting official documents, from the short time since I have heard the report I have alluded to ; but by a statement which I have seen, I have every reason to believe the report is correct. Do your lordships know what was the amount of the peace establishment at the close of the American war ? The great and upright man who then was at the head of the finances of the country, felt it his duty to reduce the establishments to

the lowest point at which they could be proposed. He proposed to the committee a detailed estimate of the peace establishment, at a time when we had no ally in Europe, when even Holland was torn from us, and France was more flourishing in wealth and power than she now is—the amount was less than five millions and a half ! After an experience of five years he was inclined to believe that the first estimate had reduced the establishments below their proper amount ; and in the same plain and intelligible mode in which he proposed the first establishment, he produced a detailed account on which an establishment of six millions only was founded. He did not rest there, but after seven years of peace, in 1792, when the manufactures and commerce of the country had begun again to be most flourishing, he proposed a reduction of 200,000*l.* ; and your lordships will remember, that these different establishments were not in estimate merely, but that the supply of the year 1792 was actually less than six millions. I must beg your lordships to cast your eyes on the present situation of the country, and its situation in 1792 ; and imagine what any one who had taken part in the measures I have mentioned, must feel at hearing that any man could propose (for that it can be acquiesced in is impossible), that the peace establishment of this country should be 19 millions a year ! I see no reason for any considerable increase of the peace establishment beyond that of 1792. It is true there is a necessity of garrisoning two or three towns, which we had not then ; but it can be proved that a necessity does not exist to provide any additional force, except for perhaps one of them. The others are of that nature, that the additional security they afford to other possessions will require no increase, but will authorize a diminution of force. I allude to the East Indies, where a considerable reduction of force will be required, which will cover any increase which may be made in other places. But though the force necessary be the same, I allow that for maintaining that force the expense must be greater. The pay of the troops has been increased ; a boon in granting which I readily concurred, and which I would not consent to withdraw. On the pay of the officers an increase has been made, which I believe is absolutely necessary. It is not, therefore, possible to reduce the peace establishment exactly to the same sum at



which it was fixed in 1792; but the amount of force may be the same, or nearly the same, though the expense of maintaining that force may be varied by the circumstances of the times. I shall not pursue the details of the subject; but I thought it would not be consistent with my duty, if, after hearing such a report as has been spread abroad, I did not on the first meeting of your lordships call your attention to the dreadful purpose which is harboured of making this nation a great military power. We cannot disguise the fact. No one can have proposed a peace establishment of 19 millions but with the intention of changing the constitution of the country in such sort, that it shall no longer continue a free country—to make this nation rank among the great military nations of Europe. On this question probably your lordships will have session after session to decide; but if that political establishment is effected, I shall cease to take a part in the business of this House, and to keep up the forms of debate. For if a large military establishment is permanently kept up—if this nation becomes a military power—we must of necessity cease to be a free, and, consequently, a happy people. His lordship concluded by moving for the statements mentioned in his speech.

The Earl of *Liverpool*, in reply, stated, that the subsidiary engagements with all the powers had terminated at the beginning of October last; with Austria, Prussia, and Spain, two months before: the subsidies having been limited to a time deemed sufficient to enable those powers to march their forces back to their respective countries, after the close of the war. As to the maintenance of troops in the Netherlands, the fact was admitted, and would be brought by the papers moved for, to which he had no objection, before the House. It was premature to enter then on the discussion of the subject; but he pledged himself to prove, not only that the arrangement was wise, but that it had actually been productive of beneficial consequences. As to the peace establishment, he should lay the fullest information before the House, and should court investigation on all branches, and take all measures to make them as little burthensome as possible. But it was to be considered that a great increase had taken place in the pay of all departments of the service, which would render an establishment on the same scale as that of 1792 much more

expensive. The expense entailed on the country was enormous; but the faith of the country was pledged to the arrangements on that subject, some of which, made by the administration of the noble lord (*Grenville*), were neither wise nor expedient. It was not to be supposed, however, that with all the colonies we were possessed of, the same military force as that of 1792, would be sufficient. Some military force was also necessary to secure internal tranquillity, and to maintain the character of the nation. The House would be much better qualified to judge on the subject after a full examination of the estimates that would be laid before them; though he admitted there was no subject on which the House should be more jealous, than that which respected the amount of our establishments in time of peace.

The Marquis of *Lansdowne* accepted the pledge of the noble earl, that before they were called on to accede to any propositions for increasing the ordinary peace establishment, the House should have a complete opportunity of investigating the expense of the several departments. As the motion was not objected to, he should merely join with his noble friend in protesting against any event which might tend to change the military system of the country. As the time would soon come for explaining the reasons for keeping up so large a force on the continent, it would be necessary to justify that measure, that it should be shown to have been done for British objects alone, and that the consequence would not be to involve the country in a connexion with the continent. If any change was to be effected in the military system of the country, he hoped the parliament would be called on to do it with its eyes open, and not be drawn incidentally or hurried by precipitation into change.

The motions were agreed to.

## HOUSE OF COMMONS.

*Tuesday, February 21.*

STATE OF THE STREETS OF THE METROPOLIS.] Mr. *M. A. Taylor* rose to call the attention of the House to a public grievance, which, in his opinion, required both immediate remedy and future precaution. The only question, he apprehended, would be as to the nature of that remedy; for the evil of which he complained was indisputable and universally felt, yet without the interference of parliament would

probably remain unredressed. He wished to submit to the House the necessity that existed of preserving the pavements of the metropolis in such a state as should not endanger the safety of his Majesty's subjects. Many accidents had already occurred in consequence of the manner in which they were at present broken up; and not long since a coachman had been thrown from his box, and killed on the spot. He had been told, in the course of his inquiries into the cause of this shameful disorder and negligence, that it was an evil which it was impossible to prevent. This impossibility, however, he was determined to try, and would persevere at the risk of giving offence to the parish officers, and even though the water companies should put him in their reservoirs, or the gas-light company into their furnaces. The city of London, he knew, was exempted by charter; but he trusted, that when they saw a proper system of inspection and control established in Westminster, they would think it worth their attention to imitate the example. With respect to the law as it already stood, there was no distinction between streets and highways, the former being so denominated only from their running through inhabited and populous places. They were indictable at quarter sessions, and it was the duty of the magistrates to assess a sufficient rate, and direct the parochial overseers to institute the proper repairs. The law, then, was entirely with him; but it was too dilatory in its application, and required the quickening energy of parliament to give it its due and salutary effect. The law guaranteed every man's title to the *terra firma*, and on him who obstructed or undermined it imposed the obligation of fully and completely repairing the mischief he had occasioned. The streets of Paris were not subject to this inconvenience; and those of Edinburgh, and from that to Leith, were equally safe and beautiful, forming an inclined plane, and enabling carriages to proceed with equal convenience and velocity. What he now proposed was, to bring in a Bill enabling the crown to appoint a board of commissioners, and to divide the metropolis into four or five districts. These commissioners were to act gratuitously, and to be composed of gentlemen resident in the particular district over which they presided, and to possess, as a qualification, 300*l.* a year, or 10,000*l.* in money. They were to be called on to publish proper

advertisements, and to appoint an inspector for each district, whose salaries, with those of a few clerks, would constitute the whole expense of his measure. The salary of the inspector ought to be, he conceived, not less than 500*l.* per annum, as he should be a person of uncorrupt character, and removable by the commissioners. It was his intention, if the House gave him leave to bring in the Bill, further to propose, that the Bill should become operative three months after its passing into a law. It was a measure which could inflict no hardship on the parishes, whose duty it was already by law to prevent all nuisances in the public streets. He should also introduce a compulsory clause on the water companies, restraining them from taking up any pavement at their own pleasure, or from laying down any other than iron pipes in future, as well as to limit their right of breaking up a street to a particular period of the year. It was obvious that it was an evil chiefly experienced in the winter season. The inspector must be armed with the power of levying fines, either on the parish, or the authors of the mischief, and in proportion to the extent of the evil, subject to the revision of the commissioners. He should also propose that these provisions might equally extend to the gas-light companies, and the commissioners of sewers, and that they should all be interdicted from laying down wooden pipes in future. He did not wish to interfere with the rivalry of different companies; no man was a greater enemy to monopoly than himself; his only object was to secure to the public what they had a right to possess—a good, safe, and commodious carriage-road. The fact was, the pavements, after being so opened, were not laid down again sometimes for months, and without some quick and compulsory measure, he was convinced the evil would continue to exist. He was sorry he could not compliment the right hon. the Chancellor of the Exchequer, whom he then saw in his place, on the condition of the streets near the Treasury. From thence to Scotland-yard their state was disgraceful as well as dangerous. On inquiring at the Treasury on this subject, he had been told that the cause was, there was no money there [a laugh]; but he trusted the right hon. gentleman would not support such an assertion. He should now move for leave to bring in a Bill for the purposes he had mentioned, and could

assure the House that nothing would give him greater satisfaction than the introduction of some measure better calculated than that of which he had just submitted the outlines, to accomplish the object he had in view—

‘—si quid novisti rectius istis,

‘Candidus imperti: si non, his utere mecum.’

The hon. gentleman concluded with moving, “That leave be given to bring in a Bill for the better paving of the streets of the metropolis.”

Mr. *Calvert* inquired whether it was the hon. member’s intention to include the borough of Southwark in the provisions of his Bill, as he conceived its streets rather deserved the eulogy passed on those of Edinburgh, than the censure on those in the neighbourhood of the Treasury.

Mr. *Taylor* replied, that in a bill of this nature, it was impossible to except any particular district; but if Southwark required no inspection, it would become liable to no expense. The expense already borne by the metropolis was immense, not less than 150,000*l.* per annum, while that of his Bill would be no more than 2,300*l.*

Leave was then given to prepare and bring in the Bill.

NEW POST-OFFICE.] Sir *James Shaw* moved for leave to bring in a Bill for improving the West end of Cheapside, St. Martin’s-le-Grand, &c. and for providing a site in that part of the town for a New Post-office.

Mr. *Grenfell* declared, that the objections formerly urged against the propriety of changing the site of the Post-office, as being attended with an expense of 800,000*l.* were founded on a misconception of the amount required, either for the purpose of a removal, or of altering and improving the present office, to render it adequate for the fulfilment of the duties of that department. He had carefully calculated the expenses of both, and found them to be nearly equal. As the circumstance of expense was therefore removed, the point to be considered was, the increase of ornament and advantage the city would derive from the proposed change. The compensation for the property to be purchased in Cheapside, St. Martin’s-le-Grand, &c. he estimated at 150,000*l.*; the expenses of erecting the office would be 140,000*l.*; making an aggregate of 290,000*l.* From this let 40,000*l.* (the price of the materials of the present office) be

deducted, and 250,000*l.* would be the sum required. To purchase the ground necessary for altering the present office, in Lombard-street, would require 260,000*l.*; so that, as the estimates were nearly equal, the improvement and ornament of the city ought to decide in favour of the new situation.

Leave was given to bring in the Bill.

COURTS OF JUSTICE.] Sir *John Newport* rose to move for leave to bring in a Bill to empower the commissioners appointed to examine into the fees of the courts of justice, to compel the attendance of witnesses to be examined on that inquiry. He contended that such powers were necessary, particularly in a case like the present. It had been stated, on a former evening, that the officers of the courts could not refuse to give evidence before the commissioners; yet it was manifest that without such a bill as he proposed there was no compulsion on them to attend, while no persons were more likely to wish for concealment than those whose conduct was to be examined into. Besides, others must be examined, as *ex parte* statements would not be fully to be relied on. It had been the constant practice to arm committees with powers to compel attendance, and he could see no reason why those powers should not be necessary on this as well as on any other occasion. As one instance, he would allude to the Carnatic commissioners, who were armed with such powers. The details of his Bill would be liable to future discussion; but to the principle of it, he did not see how there could be any objection. He therefore moved, “That leave be given to bring in a Bill to enable the commissioners appointed, or to be appointed by royal commission, to examine into the state of the courts of justice of Great Britain and Ireland, to compel the attendance of witnesses upon them, and their disclosure of all such matters respecting the same, as may be within their knowledge, and under such regulations as would be adopted in a court of law.”

Mr. *Bathurst* contended, that there was no occasion for such a Bill as was proposed by the right hon. baronet. The commissioners appointed in 1732 had acted without any such powers, and yet they went on in accomplishing the objects entrusted to them. The instance alluded to was very widely different from the present

case; for the Carnatic question was one of abuses in general. This was not an inquiry into general abuses, but one into fees actually taken, about which there could be no secret. The right hon. baronet did not state any abuses in any department but in the master's office, and surely the master of that office would not refuse, for his own character's sake, to give evidence on every thing on which he should be examined by the commission. The right hon. baronet seemed to attack the entire body of the magistracy, as if unwilling to give evidence; or why make a law to compel them to give it? On the whole, he saw no necessity whatever for the Bill, and would therefore move the previous question.

Mr. *W. Smith* spoke in favour of the Bill; because it was hardly to be supposed that persons who were parties to those abuses which the commissioners were appointed to detect, who had either committed them, connived at them, or tempted others to commit them, would voluntarily come forward and disclose them. It might be true that the commissioners of 1732 had no such powers; but was that a reason why in 1815 such powers should not be granted if it was found necessary? A strong inducement to concealment on this occasion was voluntary attendance: for a person, who would draw on himself much anger from his superiors in office for giving information in such a case, could not be at all blamed, if his giving information were compulsory. This was a question of mere common sense. If it was necessary to give the commissioners such powers as the Bill required, to obtain information, how could the House refuse them? He, for his part, thought the powers were indispensably necessary, and would therefore vote for the Bill.

Sir *John Simeon* hoped, that the right hon. baronet, in his remarks in a former debate, on the masters in Chancery, did not mean to insinuate, that they committed, individually, any of those offences of office which were now visited by his indignation. He believed, that if the right hon. baronet had known the body of the masters, he would acknowledge them to be most honourable in the discharge of their public duty. Had the right hon. baronet ever known a case, among the many abuses he has learned, where a complaint had been made to the masters and not attended to? He could with confidence defy him to produce it.

It could not for a moment be imagined, that any men of liberal feelings could be induced, for a paltry fee, to render their honour suspected, or their characters liable to imputation. He declared, that if on the first motion for this commission he had been present, no motives of false delicacy would have prevented him, as it did his hon. friend opposite (Mr. Stephen), from repelling, with indignation, the slightest breath of suspicion affecting the characters of the body of masters.

Mr. *Horner* did not think the panegyric pronounced upon himself and the other masters of Chancery by the hon. and learned gentleman any answer to the observation of his hon. friend. The House had already resolved that an inquiry should take place; and the only question now to be considered was, whether this inquiry should be effectual, or the intention of the House last session should be frustrated or eluded. Mr. Horner asserted, that according to the information he had received, several officers of these courts had acted in a most unjustifiable manner, by creating of their own authority fees which not only were not authorized by the judges of these courts, but were expressly contrary to an act of parliament. He did not know who the commissioners were that had been appointed in Ireland; but there was an instance in Scotland, where the person named as a commissioner was the very man who had for twenty years acted as the chief officer of the court in which all the abuses complained of had arisen, and been put in continual practice. He thought it very extraordinary that any objection should be made to give the power now required to the commissioners, to summon witnesses to give evidence on oath; because, without such a power, the appointment of commissioners appeared to him to be nugatory. If the right hon. gentleman should succeed in resisting this motion, he had no doubt but that all future endeavours to check the abuses complained of would prove fruitless.

The *Attorney General* said, he must resist the present motion. The commissioners were gentlemen of most approved good character; and if they shewed the smallest dereliction of their duty, they would forfeit that high distinction which their previous conduct had obtained. His hon. and learned friend who spoke last, had complained, that persons had been appointed commissioners to inquire into



the abuses of the courts of King's-bench and Chancery, who had held the situations of officers in the former court, and masters in the court of Chancery. This might be the case: yet he would venture to say, that no men stood higher in the estimation of the world than those who had been appointed commissioners; they had invested in them all the powers requisite to enable them to come at the truth. The objections offered by his hon. and learned friend were not available, because they could not, as he had asserted, choose their own time to be examined; and, therefore, could never be considered in the light of volunteers. He had intended to submit to the consideration of the House, that it would be a high misdemeanour to refuse to obey the summons of the commissioners: and who could suppose that any man in a respectable situation would render himself liable to the expenses and punishment of a misdemeanour rather than attend to a summons which called on him to do no more than to discharge a duty which he owed to himself and to society, by telling the truth? The power required to be given was unnecessary; and it was a settled and a sound principle, that the legislature should never exert its powers unnecessarily.

Mr. *Abercrombie* thought the powers asked for indispensably necessary, as the inquiry would be worse than useless without them, for it would be only putting the country to a great expense without being productive of the least benefit. The commissioners should be armed with summary powers to punish in case of refusal to attend, if it were intended to give any effect to the measure. The action for misdemeanour was so slow in its operation, that it was of little or no use. He therefore thought the Bill indispensably necessary. The hon. and learned gentleman urged many arguments to shew that the commission had not the necessary powers, and added, that if there was to be no method of compelling witnesses to give evidence, the business of the commission would more probably be eighteen rather than eight years before it was completed. So far from there being any harm in giving full powers to the commissioners, he insisted that this was the only means of preventing abuses, and effecting the ends of justice.

Mr. *Pensonby* said, the present question was one that was the most essential to

the due administration of justice which had ever been brought under the consideration of the House. Officers who had been guilty of mal-practices would not be very forward or anxious to give information that might criminate themselves; and if the commissioners had not the power to administer oaths, it was in vain to expect such persons would divulge the truth. It had been said, that the last commission made out for this purpose had continued eight years without producing any desirable effect. That might be, and he had no doubt was, very true; and he could, therefore, safely predict, that if the present commission was not vested with more extensive powers than the other had been, it would continue 18 years, and prove in the end equally inefficacious.

Mr. *Stephen* thought it necessary to say a few words by way of explaining why he had argued against the motion when last before the House, and afterwards voted in favour of it. On hearing the objection made to masters in Chancery being appointed commissioners, he had expressed his surprise, and pledged himself that if any mal-practices could be shown in their department he would vote for the motion. To his infinite surprise it appeared afterwards, that something of this kind had taken place in a particular department. He had, therefore, acted up to his pledge; and notwithstanding he, at the present moment, thought both practising barristers and masters in Chancery were very fit persons to be commissioners, he would still vote in favour of the present motion.

Lord *Milton* believed there had been abuses in all the courts on the subject of fees, very destructive to the interests of the country, and more particularly so from falling most severely on the lower orders of the people, who had most need of the protection of the legislature.

The *Chancellor of the Exchequer* said, that the question was, as to granting powers to a commission which were not generally granted, even under the great seal.

The House divided: For the previous question, 88: Against it, 76: Majority against sir John Newport's motion, 12.

TRANSFER OF GENOA.] Mr. *Lambton*, in bringing forward the motion which he was about to submit to the House, conceived that where the fame and honour of the country were sullied, by any measure of government or their agents, it was as

much the duty of an humble individual like himself, as of the most prominent member of the House, to stand forward, and endeavour to call down upon the transaction that reprobation which it merited. He now alluded to the late transfer of Genoa, a transaction the foulness of which had never been exceeded in the political history of this country, and which remained a blot on the character of the nation. He hoped that ministers would not be permitted, in this case, to follow the course they had all along pursued—refusing to answer to any charge exhibited against them in that House, on the pretext that the subject could not be discussed till the whole foreign affairs of the country came under the consideration of parliament. If ministers were in this manner permitted to continue their silence, from a feeling of inability to withstand the attacks of their opponents, and if the noble lord at Vienna was to be allowed to decide on the most important interests of the country, without the knowledge of the Cabinet at home, and without the knowledge of parliament, the functions of that House were at an end. He trusted, however, that if the right hon. gentleman should persist in this dishonourable silence, that a day would come when the country would no longer be degraded by such taciturn ministers. If, in private life, he were to charge a man with a participation in the commission of a crime disgraceful to his honour and his reputation, would it be enough for him to turn about and say, he was innocent, but he could not defend himself until the return of a companion equally implicated with himself? He charged his Majesty's ministers publicly in the face of the House, with having degraded the country in the eyes of the world—with having abandoned a pledge given to a nation invited by them to independence. The disgraceful measure which he deplored was unfortunately no longer pending, but accomplished; and he hoped the right hon. gentleman would at least have the merit not to add duplicity to injustice, or to endeavour to deny the part which they had taken. The unfortunate Genoese had not only been delivered over, like droves of cattle, to the king of Sardinia, but they had been so delivered over by England;—England had been the instrument of this oppression. What talismanic shield could defend them under this disgrace? What balance of power (a term always

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brought forward to justify every act of violence or rapine) could justify such a measure? The best balance of power would always be found, by sovereigns, in the steady affections of the people to their government. But, however disgraceful many of the measures which Europe had lately witnessed, to no particular instance had England become such a party as to the spoliation of Genoa. In April 1814, lord William Bentinck, in a proclamation, told the people of Genoa that their ancient government was restored, and that he acted on the principles declared by the allies in the treaty of Paris. The more just and generous the views professed in that treaty, the more disgraceful the avaricious squabbling for territory which they had subsequently displayed. Lord William Bentinck, in the name of the British government, appealed to the national feeling of the Genoese, recalled to them the days of their ancient prosperity, and pledged his country to reinstate them in their former privileges. Was there an English heart which did not beat responsive to such a proclamation? Was there a man in the country who was not convinced that it was most glorious for England that the English arms should have been so employed? Not employed in acts of oppression, of plunder, or spoliation, but in restoring an ancient and illustrious state to its long-lost rights. Such were the promises held out to the Genoese; but far different was the execution. In eight months afterwards, when they had been tantalized with a momentary enjoyment of their ancient privileges, a mandate arrived from the degraded and detestable Congress of Vienna, annulling all that had been done in favour of Genoese freedom, and delivering up that unfortunate country to the king of Sardinia. This transfer was made by a British proclamation, signed by a British officer. This was an act, the criminality of which did not attach alone to the noble lord at Vienna, or the officer whose name appears to it, but to the whole of his Majesty's ministers. In this proclamation general Dalrymple informed the people of Genoa that the government appointed by lord William Bentinck had been delivered up into his hands, and that he surrendered it, by command of the Prince Regent of England, to the king of Sardinia. He would ask his Majesty's ministers, did they or did they not avow this order? If they disavowed it, then they ought to de-

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liver up general Dalrymple to the consequences of his conduct. If they avowed it, let them come manfully forward and justify themselves in the eyes of the nation, for having falsified the sacred word of England, for having rendered the name of England for the first time suspected among the nations of Europe. This most infamous measure was not one of those which ministers could avoid explaining; and it was in vain for them to think they could stand acquitted to the country by maintaining a profound silence on this, as they had done on so many other subjects. Such silence was not more disgraceful to themselves than to the country, who suffered them to be at the head of its affairs; and no one who had its honour and character at heart, but must regret to see it under the guidance of such ministers. He then moved for copies of the proclamations addressed to the Genoese by lord William Bentinck, dated 16th April, 1814; and by general Dalrymple dated Dec. 27, 1814; and of copies of the instructions sent by his Majesty's government to lord William Bentinck, in October, 1811, for the guidance of his conduct in Italy; of the correspondence between his Majesty's ministers and lord William Bentinck, in March, 1814; and of the instructions to the Italians, prisoners of war in this country at that period. His object in moving for the three last papers, was to shew that government had not only guaranteed the people of Genoa from the attempts of the French, but from all the world beside.

The Chancellor of the Exchequer and colonel Wood rose at the same instant, but the former gave way.

Colonel Wood then stated, that being nearly connected with the noble lord, whose conduct had been that night accused, he hoped the House would indulge him in offering himself a few minutes to their attention. He wished to suggest to the hon. mover, that on more mature consideration, he would see the unfairness of prematurely discussing a measure in the absence of the individual who was responsible for it, when he could not by any possibility be here to answer for himself. He addressed himself also in a particular manner to an hon. gentleman opposite (Mr. Whitbread), who had cheered the gentleman who spoke last, in the hope that he would consent to postpone for a few days the discussion of this subject. In acting otherwise, he would be departing from the conduct for which he had uni-

formly been distinguished in his long opposition, of meeting his adversaries face to face, and giving them an opportunity of answering for themselves. He hoped he would not now depart from the practice which had always hitherto been so much to his honour. He put it to the hon. gentleman and to the House, if it was possible to look at Genoa as an isolated measure, and unconnected with the proceedings at Vienna, which had for their object the pacification of the world. When they looked at this Congress, they must not expect too much—[a laugh]. He understood the meaning of this laugh, but he would repeat the observation. The pacification of the world was beyond the reach of all human agency. Every man must be fully aware of the jarring and hostile interests of the different powers at the Congress. He trusted, however, that the result of the Congress would be a temporary repose to Europe from tyranny and bloodshed—and more than that could not be expected from it. The annexation of Genoa and other proceedings, must no doubt be considered as the proceedings of the government; but still he apprehended that a certain latitude must be understood to have been given to the noble lord when he undertook this mission; and the noble lord himself considered that he had subjected himself to a fearful responsibility. He happened to be in the North of Ireland, at the house of the noble lord's father, when he first heard of his intention to proceed to the quarters of the allies. The noble lord sent a letter, informing them of this, in which he stated that he was sensible he was taking on himself a fearful responsibility, but he considered it his duty not to shrink from it—he knew the generosity of the people of England, and their readiness to make allowance for the difficulties in which he was placed [Hear!]. A day would soon arrive, when the noble lord would be able to give an account of his conduct; when he hoped that the whole of his conduct would not only be creditable to the people of England, but satisfactory to the House and the nation; and he could not help thinking that the House would be of opinion that it was proper to suspend the discussion till the affair, *in toto*, could come before them. He should therefore move, That the House proceed to the other orders of the day.

The Chancellor of the Exchequer said, that no apology was necessary on the part of the hon. gentleman who had brought for-

ward the motion. The question was in itself one which was proper for the consideration of parliament; and he had brought it forward in an able, regular, and parliamentary manner. When he said this, he hoped the House would take into their consideration the very peculiar circumstances of this case. It could not be less the wish of his Majesty's ministers than of their opponents, to have an opportunity afforded them to exculpate themselves and the country from this accusation of a breach of national faith; but it was impossible to enter into this question, without at the same time going into a variety of particulars, which could not with propriety be at present explained. He claimed this temporary suspension on the notoriety of the circumstance, that this subject was intimately connected with all the great questions before the Congress at Vienna. Till the whole of these questions were, therefore, before the House, it was impossible for them to judge correctly on this subject. He would deny that the national honour had been violated. If the hon. gentleman thought his Majesty's ministers had degraded the country, he would ask him, under what ministers the country had lately risen to such a high degree of splendour and prosperity? He trusted ministers would be able to explain, that they had done nothing to degrade the splendid character of the country; and in that hope he entreated the House to suspend their opinion of the transaction in question for a short time. He conceived the proceeding to the other orders of the day was not a course sufficiently respectful to the motion, which was one that ought properly to be entertained, and one which gentlemen on the other side of the House could not be more anxious than he was to have brought under discussion. He should, therefore, request the hon. member to withdraw his motion, for the sake of allowing him to meet the original motion, by the previous question.

Colonel Wood accordingly withdrew his motion, and the Chancellor of the Exchequer moved the previous question.

Sir James Mackintosh rose, and spoke in substance as follows:

Sir:—I rise to give my reasons for heartily supporting the motion which has been brought before the House, with so much vigour of talent and manliness of spirit, by my hon. friend, who has a second time maintained his hereditary reputation

for independent principles, as well as for distinguished abilities.

If I had originally felt any doubt, whether the present case was one in which justice and public honour called aloud for the immediate interposition of parliament, that doubt would have been removed by the reasons which the Chancellor of the Exchequer has urged in support of his application for delay of trial. He professes the greatest anxiety to meet the charge, but, like most other accused men, he declares that, for reasons known only to himself, justice cannot now be done, and that the inquiry must be postponed to a more convenient season. There are two questions distinguishable from each other, involved in the motion now before the House; whether there be a case for inquiry at all, and whether the present be a fit time for inquiry? On the first of these questions there seems to be scarcely any difference of opinion. The right hon. gentleman by his professions of eagerness for trial, and impatience for the moment of exculpation, has admitted, that the circumstances which appear on the surface of this transaction, are such as to demand inquiry, and to require explanation if they can receive it. What has been urged in behalf of delay, derives all its speciousness from a confusion of two distinct principles.

If the question had related to the policy of the transfer of Genoa to Sardinia (understanding the word 'policy' in its narrow and inferior sense), it might, with some show of reason, be contended, that the time is not yet come for the decision of such a question. Policy is almost always a balance of evils, a compromise between opposite inconveniences; it may depend on many circumstances which it may be yet unsafe to lay before the public: it may be influenced by the temper of one state, by the projects of another, by compensation for loss, by reward for fidelity, by punishment for inconstancy; it may be connected with measures still depending, so that it cannot be estimated till the Congress have concluded their arrangements. The answer to a charge of impolicy in this case, might certainly depend on facts and documents at present unfit to be communicated to the House.

But impolicy is not the charge. Though I think as ill of the prudence as of the morality of this transfer, I desire for the present to wave all consideration of its policy, or (to speak more correctly) of that temporary and local policy which is dis-



tinguishable from, though not independent of justice—the grand permanent policy of the world.

The charge is one, in comparison with which all questions of mere policy sink into utter insignificance. The King's ministers are charged with the greatest crime ever imputed to the British government in its relations with foreign European states; the greatest crime of which British ministers can be accused, except a conspiracy, against the liberties of their country. They are charged with injustice aggravated by perfidy. I say injustice, because I contend that we have been guilty of injustice towards the independent and innocent people of Genoa, even if we had not been pledged by any declarations, or bound by any promises. In charging this as a substantive crime, independent of all engagements, I conceive that I am supported by the highest authorities in public law.

["We have seen," says Vattel, "that there may be an equitable, though not perhaps a strictly legal obligation to restore to a third party booty taken from the enemy, of which that third party had been deprived in an unjust war. The obligation is more certain and more extensive with respect to a people whom our enemy had unjustly oppressed; for a people thus spoiled of their liberty, never renounces the hope of recovering it. If they are not voluntarily incorporated with the conquering state, if they have not freely contributed their aid against us in the war; we certainly ought to use our victory not to change their masters, but to break their chains. It is a noble fruit of victory to deliver an oppressed people, it is a great gain thus to acquire a faithful friend."\*]

The passage seems to be prophetically written for the case of Genoa; the Genoese were our friends, if not our allies; they were not voluntarily incorporated into the conquering state, they did not freely contribute their aid against us. We have used our victory to change their master, not to break their chains; every part of our conduct is condemned by the impartial expositor of the sense of mankind on the morality between nations. How will the condemnation be evaded? Will it be by undervaluing the authority, as in the case of Norway, with respect to which the opinion of none but the slaves of fortune can be changed by the event?

\* Vattel, book iii, chap. 13.

Will they oppose to it any authority of equal value? Can they quote the practice of good times? I defy them to produce a single example in which a just conqueror, in civilized periods, has treated the rescued territory of a friend, as if it were the conquered province of an enemy. This subversion of the independence of Genoa, is therefore as much condemned by authority, and unwarranted by example, as it is repugnant to the plainest rules of morality between friendly states, when one had been oppressed by the common enemy of all.

The second charge is more precise and simple, though not more strong than the first; it is a charge that our faith has been pledged to Genoa, and that our faith has been violated. I intreat the House to consider the nature of the only possible defences which can be made against such a charge. How can they be secrets of state? How can they be contained in documents unfit for publication? The charge admits only one of two answers: either, that the pledge was not made, or that the promise was not violated. A pledge to a people, is a public act. A breach of faith to them, is an act equally public. Neither the pledge nor the forfeiture can be affected by confidential communications, nor by secret negotiations. The whole case consists of the faith pledged in the name of the British government, by lord William Bentinck, and forfeited under its authority by general Dalrymple. Here I take my stand, and I defy the right hon. gentleman to attack my position. No secret document can influence the question, whether the faith of this nation has been pledged and violated to the people of Genoa in the face of Europe.

Secret documents may be very material to their policy; and if the House shall determine that the discussion ought to be postponed till such documents can be produced, it will be a determination for the first time, I am sure, in the British House of Commons,—for the first time, I believe, in any civilized popular assembly,—that there may be some interest more important than national honour, that there may be some policy paramount to public faith, that interest and policy may justify oppression, injustice, and perfidy. This conclusion the gentlemen seem not willing to adopt, but they will find it difficult to escape it. They are evidently reduced to this dilemma. They must maintain, either that some secret circumstance may make

the breach of a public promise to a people cease to be perfidy, or that there may be a political interest which may justify perfidy. They must choose between an absurd and an abominable proposition.

It is therefore, I think, evident, that neither the parties accused nor the public interest can suffer from immediate discussion. A very short review of the circumstances will shew how much the public honour must suffer from delay. The charge is founded on a crime already completed, and which contains in itself multiplied breaches of faith.

The first pledge given by the allied powers, that they would respect Genoese independence, was the declaration of M. Novozilzoff on the part of Russia, on the 16th of July, 1805. That gentleman had been sent to mediate between Great Britain and France at the request of Great Britain. On his journey to Paris, he learned at Berlin the incorporation of Genoa with France—there the mediation stopped. In his note addressed to M. Hardenberg, he declared, that after such an act as the violation of the independence of Genoa, all negotiation must be vain, and all mediation dishonourable. Genoa filled up the measure of Napoleon's crimes. The emperor of Russia was willing to mediate after the death of the duke d'Enghien, after the assumption of the imperial dignity, after the incorporation of Piedmont, after the armed mediation which reduced Switzerland to a province, after the annexation of Lombardy under the name of the kingdom of Italy. But the subversion of the independence of Genoa exhausted his patience. He could no longer hold intercourse with its author, even to obtain peace for a friend. How sacredly must the faith of this great prince seem to have been pledged to the people of Genoa! How implicitly must they have believed, that he would not suffer an act to be repeated which he had thus resented as the most enormous of political crimes! Austria has no less distinctly pledged her separate faith to this unhappy people. In September, 1805, she alleged the usurpation of their territory by France as a substantive cause of war. England had given a still earlier, and, if possible, a stronger separate pledge than either of her great allies. At the negotiations of Amiens she refused to recognize the French usurpation, then called the Ligurian Republic—she declared, that she could consider nothing as a proof of

their independence, but the restoration of their ancient government; she therefore declared more strongly than any other power, that she continued to acknowledge her ancient friend and co-estate in the commonwealth of Europe, the republic of Genoa, as still of right existing.

Besides these separate and early pledges of each of the allied powers, there is a recent and collective pledge given by them all in the treaty of Chaumont on the 1st of March, 1814, of which the object was declared to be "a general peace, under the protection of which the rights and liberties of all nations may be established and secured." By what sophistry are the Genoese people excluded from this protection, thus sacredly covenanted? How have they forfeited their claim to a restoration thus promised to all states? Are they not a nation? Is a republic which has flourished for 800 years not a nation? Is that people not eminently deserving the name of a nation, which has shewed as many proofs of national spirit as any in Europe; which had expelled foreign invaders more often, and, after longer periods of bondage than any other; who three times expelled the French after long possession; who braved a bombardment by Louis 14th in the zenith of his power; and whose scarcely armed populace drove out a brave and disciplined Austrian garrison from their capital?

But all these solemn declarations are not sufficient. England had pledged her faith to Genoa, in a more detailed and minute form, and for that reason, I presume, she was selected as the principal actor in the breach of that faith. When lord William Bentinck appeared before Genoa, the people hailed him as their deliverer; they considered their restoration to their ancient independence as secured. They hastened to do that which Great Britain had required of them in 1802, as the condition of obtaining her friendship; they re-established their ancient government, with such reforms as the lapse of time and the liberal opinions of the age demanded; they engrafted liberty upon legitimate authority; they founded a reformed government upon the solid basis of ancient institutions. Lord William Bentinck, instructed by his own just opinions and generous sentiments, instructed by the acts of the British government in 1802, instructed by the recent and solemn declaration of assembled Europe at Chaumont; sufficiently authorized by these

acts and declarations, whether he had more positive instructions or not, established the reformed constitution in the name of his sovereign and his country, "considering the wish of the people of Genoa to be conformable to the principles of the high allied powers to restore to all their ancient rights and privileges." Lord William Bentinck interpreted the treaty of Chaumont as the Genoese did. He did not intend his proclamation to be a cruel satire on the future conduct of these high allies; he acted upon his honest interpretation of their language. Perhaps it was a case in which, the immediate consequences of the act being irreparable, his government could not have disavowed him: at all events the disavowal must have been immediate; it must have been explicit, it must have been as public as the act disavowed. No such disavowal appeared; on the contrary, the Genoese government was established: the Genoese flag was once more seen in the ports of the Mediterranean. All the badges and symbols of independence were displayed to the people of Genoa, and to their neighbours, by the authority of a British officer, without interruption from the British government.

So much for the long series of express or implied promises made to the Genoese people by the allies, and chiefly by England. Now comes the sad and shameful story of their violation. One British officer was chosen to announce the violation of the faith pledged by another.—General Dalrymple announced to the Genoese on the 27th of December, the determination of his government to deliver them over to the king of Sardinia; and that prince, on the 7th of January, was pleased to inform the magistrates and citizens of the republic, that "he took possession of his new states." In virtue of what title? Of the ancient fundamental laws? No! Of the voice of the people? They hated his government more than that of any other foreign master—as nations are naturally and reasonably most jealous of their neighbours with whom they have most fiercely contended, and from whose power they have most to dread. By the right of conquest? Even that harsh and odious right did not exist, and, if the two states were left to themselves, probably never would. By none of these, the only titles to authority hitherto known among men! But, "in concurrence with the wishes of the principal powers of Europe."

A new language in public law! A new title to authority! Or rather, an avowed adoption of those principles of partition or plunder, the prime source of all the calamities of Europe, which, originating with the spoilers of Poland, and copied on a gigantic scale by the leaders of France, had now returned to their first seat, without changing their nature or abating their malignity. What is it but declaring that the tenure of dominion throughout Europe is to be the pleasure of an oligarchy of sovereigns at Vienna, who have no more right to transfer Genoa than the county of Middlesex?

But, says the right hon. gentleman, we cannot now inquire, because the Congress is still sitting. Now, for that reason, Sir, I conceive that we ought now to inquire. If their deliberations had been finished, there could have been no great inconvenience in delay. But we may now, by immediate inquiry, prevent other mischief. The crime against Genoa is indeed consummated. But we may contribute to prevent the perpetration of like offences against other nations; or at least we may withdraw Great Britain from participation in them.

The efforts of a minority in this House may be despised by the right hon. gentlemen; but they are not despised in other countries: they have, during the present session, been acknowledged by the independent and enlightened part of Europe as speaking their sentiment. The moral character of this kingdom, high at the moment of the peace of Paris, and of which I heard with pride and delight in the remotest vallies of the Alps, has suffered from this and other recent events. The popularity of Englishmen abroad was somewhat restored by the stand made in this place against the oppression of unoffending states.

That moral character, our firmest strength, and our proudest distinction, is this night in your hands. Your vote will determine, whether you consider any interest as a justification of perfidy, and whether you approve this violation of the rights of Genoa, the representative of Italy, and by that approbation ratify the outlawry of that illustrious and unfortunate country, and confirm the sentence which once more irrevocably condemns it to that provincial degradation which has so long palsied its powers, and blasted its hopes.

Mr. Wellesley Pole said, that if any doubt had existed with respect to the real

object of the motion then before the House, that doubt would have been removed by the speech of the learned gentleman who had just sat down. The House must now be convinced that the motion was brought forward at the present time, and under the present circumstances, merely as a vehicle of attack and condemnation, not only of his Majesty's ministers, but of our allies and of the whole Congress. The House was called upon to assent to a motion brought forward for such a purpose, without a tittle of evidence, without a single document to support the charge, which rested solely upon the conjectures of the learned gentleman with respect to what had passed, was passing, and might hereafter pass at the Congress. It was impossible, in his opinion, to have heard the last half hour of the learned gentleman's speech, without seeing that it went entirely upon general principles; that it contained dissertations upon the law of nations, and comments upon the consequences of the proceedings of the Congress (upon which he unsparingly bestowed every species of opprobrious epithet); and this the learned gentleman seemed to think quite sufficient to induce the House, without further evidence, to pronounce his Majesty's ministers guilty. The learned gentleman had accused ministers of a great and heinous offence; so heinous, indeed, that he had declared he could not conceive a greater, unless that of a conspiracy against the liberties of this country, and had, throughout the whole of his speech, assumed all the facts upon which his argument was founded as proved. But the learned gentleman should recollect, that the hon. member who brought forward this motion (certainly with pretty strong language, but not more than might be expected from young and ardent minds), declared, that he wanted certain documents to enable him to prove to the House the charges he had preferred; and the learned gentleman should also remember, that his right hon. friend, the Chancellor of the Exchequer, in reply, did, in the most distinct and unequivocal terms, deny the truth of the charges, and added, that when all the documents could with propriety be laid upon the table, the House and the country would be convinced how groundless these accusations were. This was all that his Majesty's ministers could do consistently with their duty to their country or to themselves, when called upon to give partial, uncon-

nected, and imperfect information upon the important subjects now under discussion at Vienna. He assured the House that ministers were as anxious, quite as anxious, as the gentlemen on the other side could be, for a full discussion upon this subject; and they stood pledged to the House, that when the hour arrived at which disclosure could be made without danger, every document should be produced; and then the House and the country would see, that in no one instance had the national honour been compromised, or the national faith violated. This was the ground upon which he rested. And were ministers to be told, that because they opposed the production of papers moved for by a palpable parliamentary manœuvre—(he did not mean any thing invidious by that expression, because it had always been considered fair for parties in that House so to assail their opponents); but were ministers, he repeated, to be told, that because they resisted the production of partial and imperfect information, called for by a parliamentary manœuvre, that therefore they were to be considered by the House, and the country, as guilty of a dereliction of their duty? He was sure the House and the country would not so decide. Had the gentlemen on the other side a right to say, 'Because you will not, to suit our convenience, produce these papers now, you are therefore guilty, and shrink from investigation?' "This (said Mr. Pole) is not fair or just, and I am sure that the country will feel that it is not." [Loud cheers.] Ministers did not desire the protection of that House, they demanded its justice; and by the justice of their case they were content to stand or fall. He did not mean to follow the learned gentleman through the course of his argument; but he might be permitted to notice, what must have been observed by every gentleman in the House, namely, that the learned gentleman, throughout his whole speech, begged the question, and, having assumed his facts at pleasure, he drew his inferences without much difficulty. He had produced a proclamation issued by a British general upon entering a town which he had taken at the point of the bayonet, and this he had considered as conveying a solemn pledge on the part of the government of this country; but he would not enter into details at present, the treatment which ministers had experienced was not fair; he was sure the learned gentleman would



not think it fair if applied to himself—he would complain, and with reason, if without an inquiry, if without a single document, he was to be pronounced guilty. If the ministers had expressed a wish to prevent all investigation—if they had intimated a desire to suppress any information, then, indeed, their conduct would have been justly open to censure: but he was sure that there was no impartial man in the House or in the country, who considered the present state of the Congress, and the expectation of the immediate return of lord Castlereagh, but must feel that it was quite impossible for government at this moment, to communicate every information which would be necessary to a fair and impartial decision upon this subject. The delay asked was but for a few days; and surely, for a few days, the gentlemen on the other side might exercise a little of that quality of which they exacted so much daily from ministers—he meant patience: if they would follow so good an example, for the short time required, he and his colleagues would pledge themselves that they would not only produce every information respecting Genoa, but respecting Saxony and Poland, and, in a word, give satisfactory answers to those innumerable questions, which had been asked with so much *good humour* and so much *good taste*, almost daily, from the commencement of the session to the present hour. With respect to his noble friend, to whom such frequent allusions had been made, he begged to repeat a sentiment which gentlemen had on a former occasion attempted to ridicule, but which they now seemed anxious to enforce, viz. that all his Majesty's ministers were equally bound and equally accountable for the conduct of any one. That his noble friend stood pre-eminent from the arduous task which he had to perform, and from the burthens imposed upon him, every one would admit: but the ministers would not deserve for one moment to retain their situations, if they attempted to shift upon one another the responsibility of the acts for which they were all responsible; and therefore he had no hesitation in declaring, that as every measure of the noble lord had had the sanction of his colleagues, so they all stood equally answerable for every part of the transaction; and his noble friend would, on his return, be equally anxious with his colleagues to meet the fullest investigation, and equally willing to abide by the

sense of parliament. There was only one point more to which, before he sat down, he wished to advert, viz. an assertion of the learned gentleman's, that ministers admitted that their conduct called for inquiry. To that assertion he gave an unequivocal denial. The hon. gentleman had made a very serious charge against ministers, couched in very strong terms. Under these circumstances, and not from any doubt of the rectitude of their own conduct, it was that they felt an inquiry necessary; and when it did take place, ministers, he had no doubt, would stand fully acquitted, not in the minds of the gentlemen opposite—that he was not sanguine enough to hope—but in the justice of the House, and in the feelings of the country.

Sir James Mackintosh, in explanation, said, that he did not consider the documents he had stated as conclusive evidence of guilt, but he thought that they were sufficient to call on ministers for an answer.

Mr. Whitbread said, that he could not yield to the entreaty of the relation of the noble lord, not to discuss this subject in his absence. He thanked him, however, for doing him the justice to believe, that he should much rather see the noble lord in his place, than appear to call for any discussion in which his conduct was implicated, in his absence. However highly he felt obliged to the hon. colonel for what he had said of his character in other respects, yet he could not consent to sacrifice another part of his character, which was still dearer to him, and that was his resolution to make those remarks that appeared to him necessary, at the time that he judged the most proper for making them. He was not alarmed at all at the right hon. gentleman who spoke last, telling the House, in a portentous manner, that what he said would be found—at some time or another—entitled to great weight. He had heard similar assertions from the right hon. gentleman before, without having yet discovered the weight of them. The right hon. gentleman, in his comments upon the observations that had been made, had introduced words that never were more misapplied. He had said, that his honourable friends had proceeded entirely on conjectures of their own. What did he call conjecture? Did he mean to deny the proclamations of lord William Bentinck, and of general Dalmryple, which were so generally pub-

lished? Or would he say that those proclamations amounted only to a conjecture? It appeared to him that those proclamations, published to all the world, were of much greater weight than those reports which the House had heard of, or than those private letters from lord Castlereagh to his friends in the north of Ireland, stating his deep sense of the heavy responsibility attached to the delicate situation in which he had been placed by his colleagues. It was certain that the acts of lord Castlereagh must be considered as the acts of the government; and yet there were some minor papers from the frontiers of Austria, which stated that lord Castlereagh had been so angry with his colleagues for their manner of answering questions, that he had sent them positive instruction not to expose themselves in that way for the future; and that in consequence of this instruction, they now preserved the most profound silence. If this should be the case, ministers would be exercising that virtue they so recommended—patience upon compulsion. They really appeared to have carried their patience to the utmost length, and to have stood rather too long in a white sheet. In the early part of the session they answered all manner of questions upon their responsibility. Their responsibility had now changed its nature, and as *lucus* was derived *a non lucendo*, so their responsibility at present was to prevent them from answering any questions. The right hon. gentleman had, however, perhaps without being aware of it, spoken words that night which were of great importance. He had pledged both himself and his colleagues, that, at some time or another, every paper would be furnished which could be desired, both about Genoa, Saxony, Poland, and the proceedings of the Congress at Vienna. That was a pledge for which he should hold him responsible. Although it was not the Chancellor of the Exchequer who had made this promise, yet another of his Majesty's ministers, the Master of the Mint, that high and responsible minister of the crown, had pledged himself that the House should have all those papers. Notwithstanding the avidity of ministers for their trial, yet when it was proposed to obtain evidence for the purpose, they refused it. They said that they were as anxious for the trial as their accusers could be: the only difference was, that their accusers wished to go to the trial, but they would

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not. The Chancellor of the Exchequer, in answer to the hon. mover, had made a reasonably moderate speech, after his manner, in which he called for some delay. The right hon. gentleman who followed him said, that it was the grossest injustice to arraign men who could give an explanation if they thought it proper. For his part, he should be much more pleased to have it in his power to praise ministers for delivering Europe, (as they said they had done) than to be obliged to condemn them as parties to one of the foulest acts that ever disgraced the page of history. He considered that, in all such cases, policy and justice were inseparable: and in the same proportion that he condemned the injustice and immorality of this transaction, in exactly the same proportion did he conceive it one of the greatest acts of political folly that ever was committed. The right hon. gentleman had not ventured to deny the proclamation of the king of Sardinia any more than that of lord William Bentinck. When his Sardinian majesty, however, chose to publish that he took possession of the Genoese states, he was happy to say that he had been mistaken, and never had been able to take possession of them. He trusted that he never would be able to take possession of them, but that he and the other sovereigns would find themselves arrested in their unjust career by the public feeling all over Europe. He hoped, that the discussions in that House, and the sentiments there delivered, would have a powerful effect in arresting those proceedings. Supposing lord Castlereagh was returned, did ministers expect that any papers could be found in his portfolio which would justify the violence offered to Genoa? When lord William Bentinck was sent out to Italy by the marquis Wellesley, he understood that he had express instructions to give every encouragement to the object of effecting a revolution there. Italian prisoners were enrolled in our army, with the express promise that they would have to contend for the independence of Italy. All manner of secret societies, free-masons, and others, were encouraged to co-operate in effecting a revolution to secure the independence of Italy. Even the particular man was named, who was to be placed at the head of Italy as an independent nation. After those instructions, lord William had a right to address the proclamation he had done to them, and the Genoese could

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have no doubt of this language being the sincere disposition of our government. Mr. Whitbread said, he should much rather have been in a situation to continue the praises which in the early part of last year he had bestowed on the magnanimity of our allies, than be now obliged to accuse them for descending from their high eminence, as liberators of Europe, and truckling about territories to which they had no title. The hon. member proceeded to state, that lord William Bentinck, in his proclamation reminding the Genoese of the ancient glories of their Dorias, promised them the restoration of their ancient constitution: but before the 1st of January their hopes were disappointed, and the protocol of their annexation to Piedmont arrived from Vienna. That document stated what was not true, namely, that the deed was assented to by the Genoese envoy at the Congress; whereas the fact was, that he protested against it in the strongest terms. There had also appeared in the public prints a whining letter from lord Castlereagh on the subject, lamenting the difficulties in which he was placed, and regretting that such should have been the result. There appeared, therefore, some truth in the remark, that *les Républiques ne sont plus à la mode* with the sovereigns assembled in Congress. Then came Victor Emanuel with his proclamation to the Genoese, in which he tells them he would make them all very happy under his government: but so very different were the feelings of the Genoese, that to that hour his Sardinian majesty had sent no troops to take possession of his newly acquired states, from the fear of their being assassinated. So strong were the hostile sentiments of the inhabitants, that not one soldier had been admitted into this place that was to prove the ark of Sardinian safety; and he hoped to God that Sardinian troops never would get possession of it! Thus this miserable, unhappy court of Sardinia, while exposed to the wanton injustice and rapacity of the House of Austria, which endeavoured to lay hold of the very citadel of Turin, was compelled to receive that as a boon, which instead of contributing to its strength, would prove a vital source of weakness. All this had been done; and yet we were intreated to wait till all the transactions of Congress were finished. He would rather say, if this was a sample of them, what would the full harvest be? He should judge of the Hercules by his foot;

and it was not yet perhaps too late for the expression of public opinion to have some beneficial effect on the continent, where none could speak of this transaction, if they dared speak at all, without indignation and abhorrence. True, the noble viscount on his arrival would produce his papers: but he might also say, the mischief was already done,—that the emperor Alexander had 500,000 men in Poland; that Austria had Italy in thralldom; and that, in short, the matter could not be mended,—it was in vain to protest. Such might be the sort of defence set up, when it was too late: but he would call upon the House to bring those to justice who had disgraced the country by assenting to so gross and infamous an act. The Chancellor of the Exchequer had last night mentioned an exhortation of Mr. Burke while contemplating the probable duration of the late war, “*Durate, et vosmet rebus servate secundis!*” but if there was any sincerity in the splendid orations which he had heard that gentleman utter, he would now, were he living, unless he belied his own professions, himself tell ministers that their proceeding towards Genoa was a compound of folly and profligacy.

Mr. Bathurst contended, that the Amendment which had been moved did not in any manner negative the general question; it merely went to substitute another time, which would be more convenient for the discussion than the present. When that time should come, he had no doubt that the hon. member's information, upon which he so confidently relied, would be found without any foundation, as it mostly was—[Hear, hear! from Mr. Whitbread]. Much had been said about the presence of the noble lord; but were it possible, by any power, that the noble lord could transport himself from Vienna to London one day, and from London to Vienna another, it would not make one iota of difference as to the course that ought to be pursued. While such momentous questions were in agitation at the Congress, the good sense of that House would stop the noble lord, supposing it possible that he could be present and willing to communicate what the emperor of Russia said one day, what the king of Prussia might say on another, and what prince Hardenberg on a third. Yet a similar course was what the hon. member wished should be pursued, in order that the minority of that House might decide the matters which

were pending, and, to use his own language, interrupt the march of the Congress—[Hear, hear! from Mr. Whitbread and Mr. Lambton].—He was cheered by the hon. member, and the hon. mover of the question; and, perhaps, such proceedings might suit the ardour of their minds. With regard to the distinguished individual to whom the management of those important concerns was confided, it would not be easy to find a person more peculiarly qualified for the arduous post; a character so mixed up of firmness in principle, and yet of conciliation in manner, that it was equally impossible to subdue the one or to ruffle the other. He believed his noble friend would be found to have supported the character and honour of this country in those negotiations to as high a pitch as they had ever attained. The hon. gentleman had admitted, himself, that it would be impossible to discuss the question of Genoa without undoing or retarding the proceedings of the Congress; and that very admission was an argument for not going into the matter now. It was not, indeed, proper to discuss such questions partially or imperfectly. The hon. gentleman had said that he should look to his right hon. friend (Mr. W. Pole) for the production of certain papers, if there should be any attempt to withhold them manifested by the noble lord on his return: now he would venture to affirm, that not a word was said by his right hon. friend of any papers respecting Saxony and Poland—[loud and reiterated cheers from the Opposition]. He certainly would affirm it—[Hear, hear! from Mr. Whitbread]. Did the hon. gentleman mean to imply that he was uttering an untruth? [Mr. Whitbread—"Certainly not."] With regard to the motion then before the House, its only object was to obtain two proclamations issued by two British officers—[Hear, hear! from the Opposition]. He was aware that certain instructions were added; but they were not before the public; and it was only on the documents that were before the public that the discussion then turned. It had been asserted, that the honour of the country was compromised; but in reply to that it was affirmed, that no such compromise had taken place: and in common justice, therefore, the judgment of the House ought to be suspended till the time should arrive when a full and complete explanation might with propriety be given. For these reasons he should support the Amendment.

Mr. *Wellesley Pole* explained. What he stated, or meant to state, was, that when his noble friend came home, he had no doubt he would take the earliest opportunity of communicating ample information, not only with respect to Genoa, but of Poland, Saxony, and every other part where Great Britain was at all concerned in the transactions. He repeated, therefore, that it was his opinion no information would be withheld; but the hon. gentleman would not take him *au pied de la lettre*, and suppose that every secret and confidential dispatch would be laid before the House.

Mr. *Whitbread* explained. With respect to the right hon. gentleman (Mr. Bathurst), he had cheered him, not because he doubted what he heard, but because he knew what he (Mr. Whitbread) heard. As to the explanation of the other right hon. gentleman, he was not at all disappointed; he knew too much of ministers to take any thing which they said *au pied de la lettre*.

Mr. *Horner*, in an animated speech, took a view of the conduct of the British government towards Genoa. He began by stating, that if the House rightly felt the question then before them, they would be aware that it depended in no manner whatever upon any information with respect to the proceedings of Congress. He certainly did not understand the doctrine of the right hon. gentleman (Mr. Bathurst), that the House of Commons had no right to interfere in any acts resulting from negotiations still in progress. Would it be said, that it was not the duty of that House, when a measure had been adopted which involved the honour and good faith of the country, to raise its voice, and, if possible, stop the course of those proceedings which tended to degrade the British name? He would boldly affirm, that what had been done was contrary to the honour and dignity of the nation; and he cared not by what negotiations, or by what motives of policy that act was preceded. The apparent breach of faith, the apparent violation of national honour, the apparent cruelty and perfidy of the deed, might be explained; but he was sure it never could be explained without the abandonment of all that constituted the moral greatness and political dignity of a nation. It seemed to be acknowledged on the other side, that the transaction bore on the face of it the appearance of a breach of faith; but it was hinted that the general policy,



or the tranquillity of Europe might have required it. He would argue it in a way exactly the reverse; and would assert, that the remote considerations of policy could not be admitted into the question at all, without an utter abandonment of every moral principle. No view of expediency, political, financial, or military, could ever alter his opinion of the transaction which had taken place at Genoa. It was, indeed, reviving the old revolutionary language. If countries were to be partitioned according to the will of the sovereigns assembled at the Congress—if they were to indulge in the same unscrupulous practices which disgraced the worst periods of the French Revolution, wherein did they differ from those men who, with philanthropy in their mouths, were the scourges of society? Was this to be the kind of general peace that was promised to Europe? Was the attachment of people to their sovereign, to their ancient laws and constitutions, to be totally disregarded? That such principles were acted upon, was manifest from the case of Saxony and Genoa; but never till the latter event, was England a party to such enormities. The partition of Poland, though unfortunately not opposed, was at least not sanctioned by this country; but now we could only feel remorse and self-reproach for our share in the perpetration of as great an act of injustice as any that the annals of revolutionary France could display. Knowing as we did what it was to possess an ancient government of free and equal laws, conscious of all the hereditary feelings of attachment which such a government was calculated to inspire, was the House now to sanction a crime of this magnitude, with a full impression on their minds of all the sufferings which it must have inflicted on the people of Genoa? He had to request the attention of the House to the effect produced by these proclamations on the minds of the Genoese people, and the military occurrences that succeeded. How different were the hopes of Genoa last year from her present condition! When lord William Bentinck landed in Italy, and proclaimed the independence of Italy, the animating cry spread from village to village, till it pierced the walls of Genoa, and decided the fate of the French army within them. It was the moral influence of that sentiment which produced the effect, not the point of the bayonet. Genoa was surrendered by the French, because the people trusting to the

proclamation of a British officer, would not defend the place; and what were the advantages which our perfidy obtained for us? By giving us possession of the territory round Genoa, it gave us, in effect, possession of the whole of the north of Italy. By our promises we gained that advantage; and having gained it, we violated those promises. To the latest day of her servitude Genoa could never forget that she owed her bondage to the perfidy of Great Britain. This might throw them into the hands of France, who, as the strongest part of Italy had been transferred to the weakest power in Europe, might obtain the surrender of Genoa, whenever they pleased, from the king of Sardinia, who would sign its transfer in order to preserve his crown. It was to France alone the Genoese could hereafter look; and it was to France that we had probably consigned the future government of this unfortunate people. Such a consideration was, however, in his mind, of far inferior moment to the paramount question respecting which the House was called on to decide—Had the faith of this country been violated—aye or no? All the facts on which such a decision ought to be founded, were before them; they were contained in two documents, the genuineness and authenticity of which it had not been attempted to deny. If the facts were admitted, no considerations of policy could alter or justify them. That man must have a peculiar constitution of mind who could suffer any notions of political, commercial, military, or financial expediency, to enter at all into his estimate of the character and justification of a direct breach of a moral obligation. Something had been said, of the effect that might be produced elsewhere, by such discussions as the present. He cared not what effect might be produced: on such an occasion he considered it to be the bounden duty of every member to state his impressions, and leave those impressions to produce the effect that belonged to them in this country and in Europe.

Mr. *Stephen* said, that if the right hon. gentleman (Mr. Bathurst) had really treated this question as one of mixed policy and justice, he was not one of those the constitution of whose mind would have allowed him to hesitate a moment in supporting the present motion. He should not then have thought it necessary either to wait for or listen to any defence. If the pledged faith and sacred

honour of Great Britain had been violated, no conceivable advantages would weigh in his mind more than dust in the balance against that sentence of condemnation which he hoped would ever attend such palpable delinquency. The crime, however, was denied by his Majesty's ministers, who only required of the House not to prejudge a question which would come on to be heard in its proper place, and be accompanied by proper evidence. He did not think it would be too great a stretch of courtesy to respect this declaration, and to suspend their opinion upon this question till they should possess all the means of fairly trying it. The hon. member for Bedford had, on a former evening, referred to a document, the authenticity of which he doubted, but which purported to be an instrument of consent on the part of the Genoese to the union of the state with that of Piedmont. Surely if there was then any reason to suppose that such a protocol had been registered in Congress, the importance of its bearing on the question of justice ought alone to suspend the deliberations of the House. He admired the display of talents made by his hon. and learned friend, who had seconded the motion; but he thought there was no person who ought to be more cautious against coming to precipitate conclusions on subjects of national law and civil justice. He had been glad to hear that the honour and high character of this country were extolled in the recesses of the Alps; and when he considered who were the men that had placed them on their present lofty pinnacle, he thought it would hardly be justice to the noble lord who was now on his return, to condemn him without a hearing.

Mr. Ponsonby was at a loss to conceive the reasons from which the opposition to the present motion sprung. Was the ground of the defence of ministers the unauthenticity of lord William Bentinck's proclamation? Was it a forgery? If so, why, then, object to a motion which would at once acquit them of the heavy responsibility with which they stood charged? No one would venture to assert that to be the ground of their defence; on the contrary, they admitted the substance of the accusation. Neither would it be hinted, as their subterfuge or defence, that lord William Bentinck had no power to pledge the faith of the country—that, in fact, he had exceeded the powers intrusted to him. No such hint would be thrown out. He

knew that noble lord, and believed him as incapable of signing the first proclamation to the Genoese, without authority, as he would be in afterwards violating it without imperative command. He would as soon believe this, as that the most honourable man would commit the basest action. It was ridiculous to argue, that the whole of the case was not before them; the whole of it was, unless, indeed, the public papers moved for, as having been issued, were at once, from authority, declared forgeries. Had sir J. Dalrymple also acted unadvisedly? Would that defence be set up? If these points would not be denied, on what grounds, he would ask, could his Majesty's government attempt to acquit this country of being a party to so foul and base an action? The right hon. gentleman concluded by contending that there was sufficient information before the House for it, to enter into the subject, and that he hoped ministers would be able to put forth some justification against so foul a charge.

Mr. Lambton, in reply, stated, that to see whether there remained a spark of ancient English spirit in the breasts of the representatives of the nation, he should call for a division. A division then took place.

For the previous question ..... 115

Against Mr. Lambton's Motion... 66

Majority ..... —49

#### *List of the Minority.*

Abercrombie, J.	Hurst, R.
Anson, G.	Horner, F.
Barham, J.	Lambton, J. G.
Bennet, H. G.	Langton, G.
Baring, sir T.	Lyttelton, W. H.
Baring, A.	Leader, W.
Bernard, A.	Mackintosh, sir J.
Cavendish, lord G.	Milton, lord
Campbell.	Morpeth, lord
Carew, R. S.	Monck, sir C.
Calvert, C.	Martin, H.
Daly, J.	Moore, P.
Dundas, L.	Neville, R.
Douglas.	Newport, sir J.
Elliot, W.	North, D.
Fitzroy, lord J.	Ossulston, lord
Fremantle, W. H.	Power, R.
Ferguson, J.	Pym, F.
Grant, J. P.	Proby, lord
Gordon, R.	Prittie, F. A.
Geary, sir W.	Philips, G.
Guise, sir W.	Ponsonby, G.
Grenfell, P.	Ponsonby, W.
Greenhill, R.	Ridley, M. W.
Heathcote, sir G.	Romilly, sir S.
Howorth, H.	Rowley, sir W.
Hamilton, lord A.	Ramsden, J. C.
Heron, sir R.	Smith, W.

Smyth, J.  
Shelley, T.  
Talbot, R. W.  
Tierney, G.  
Whitbread, S.

Western, C. C.  
Wynn, C.  
Wharton, J.  
Wilkins, W.  
Walpole, G.

## HOUSE OF COMMONS.

*Wednesday, February 22.*

**GAOL FEES ABOLITION BILL.]** On the motion, that this Bill be read a second time,

Sir *W. Curtis* said, he should certainly feel it his duty to take the sense of the House on the Bill, by moving that instead of its being now read, it should be read that day six months. The Bill would be most unjust in its operation upon the gaols of the city of London, because as the fees in those gaols were to be abolished, and not in the King's-bench, Fleet, and Marshalsea prisons, the consequence would be that prisoners would remove themselves from the latter to Newgate and the other city gaols, which would thus become over-crowded.

Mr. *Bennet* explained the reason why he excepted these prisons. They were not prisons belonging either to a particular town or county, but generally appertaining to the country at large. Even in those gaols, however, he was no advocate for the continuance of fees. He had already given notice of a commission to inquire into them, which he hoped would terminate with their entire abolition. Upon the present occasion he did not like to clog his Bill with additional clauses, which might endanger its progress, as was the case last session; but it would be competent for any member to submit any clause which he might deem expedient. With reference to the additional expense, which it was said the Bill, in its present form, would entail upon the city of London, he had reason to think it greatly exaggerated; and notwithstanding the panegyric which had been on a former occasion pronounced on the state of the city gaols, he had no hesitation in saying, that great improvements were still essentially necessary. In some the allowance of food was scanty and wretched; in others no religious attendance was afforded. Here the hon. gentleman referred to the report on this subject, and shewed, that notwithstanding the opinion of the common council in 1810, the magistracy of London took no effective steps until the following year. In the severe winter of 1813, he had himself witnessed in one of

those prisons the utmost wretchedness: in a small room containing thirteen, six were without bedding or covering of any kind. The hon. member also remarked upon the laxity of morals which prevailed in those receptacles.

Sir *James Shaw* agreed in the principle of the Bill; his only objection was, that it did not embrace all the gaols of the metropolis. The late crowded state of the prisons, which alone caused the privations complained of, arose from the number of persons confined (and mostly committed by their own friends) for the purpose of claiming the benefit of the Insolvent Act. However scanty the allowance to prisoners might have appeared to the hon. gentleman, he could assure him it amounted to a very large sum.

Mr. *Holford* explained the nature of the Bill. In many counties of England the fees were already abolished in the gaols, and the effect of the present Bill would be to abolish them generally. The three prisons alluded to were not included, because they had nothing to do with county rates; they belonged to particular courts, and persons from every part of the empire might be transferred to them. He had discoursed with the keepers of many prisons upon the utility of fees, and among others with Mr. Newman, who was a man of great humanity of character; they all agreed that they might be abolished to great advantage; and Mr. Newman said, their only use, if any, was, that prisoners who could not pay their fees sometimes behaved the better, in hopes that the keeper might forgive them. That, however, was but a partial effect, that might, in some instances, result from the practice, and it ought not to be held out as a general principle. The hon. aldermen had done their duty to their constituents, by standing up against a measure of general benefit to the kingdom—[a laugh]—and he hoped the House would do its duty by protecting a prisoner who had cleared himself by law, but who was prevented from regaining his liberty, except by the forbearance of his gaoler, or the casual bounty of benevolent individuals.

Sir *W. Curtis* explained, and said, he would not oppose the Bill, if it included all the prisons of the empire.

Mr. *H. Sumner* said, the King's-bench, Fleet, and Marshalsea prisons had been exempted, from the peculiarity of the circumstances in which they happened to

be placed; but he had no doubt, when that was understood, some regulation respecting them would be adopted.

Mr. Alderman *Atkins* contended that the hon. mover had not done justice to the city of London, by omitting to mention that a new prison was now building for the reception of debtors, which would prevent the other prisons from being so crowded. The corporation of the city had endeavoured to meet the feelings of the House, but it appeared they were still under its displeasure.

Mr. *Gordon* thought that much blame attached to the city magistrates. Want of room did not surely involve a paucity of food and fuel.

Mr. Alderman *Atkins*, in explanation, said, that each prisoner in Newgate was allowed fourteen ounces of bread per day, and a certain proportion of meat, which depended, however, upon the number of prisoners.

Mr. *Holford* said, that when he made inquiries he found that instead of fourteen ounces of bread the prisoners received only ten, and that instead of a certain proportion of meat, they very often received none.

Mr. Alderman *Smith* said, the prisoners always had their proper allowance, sometimes more and sometimes less [a laugh]. What he meant was, that the number of prisoners who received the allowance was sometimes more and sometimes less, and that the distribution to each prisoner was in proportion. He contended also that the prisons in London were better conducted than in any other part of the kingdom.

The Bill was then read a second time.

COURTS OF JUSTICE.] Mr. *Stephen* said, that he rose with great reluctance to notice a misrepresentation of his speech last night, on the subject of the Bill of a right hon. baronet, for inquiring into abuses in the Courts of Justice. If the error in a morning paper, in which his sentiments had been misrepresented, were suffered to pass unnoticed by him, it would be calculated to give offence to the feelings of others as it had done to his own. He was much surprised on being told this morning, before he had read any of the papers, that one of them had reported him to have admitted the existence of abuses in a particular department, meaning that of the masters in Chancery, and to have said, that he voted on that ground for the

proposed commission of inquiry. The hon. and learned gentleman then read the whole of the misrepresentation he complained of; and observed, that so far from having acknowledged the discovery of any abuses, he had said that no ground had been made out of the existence of abuses in that department, and if any gentleman could prove their existence, the measure should have his vote. It must be in the recollection of most of the gentlemen who now heard him, that this was the very reverse of what he had said in the last evening's debate, when, in consequence of an allusion made to his vote on the former occasion, he had risen to explain the grounds of it. He had then, as before, condemned the inquiry, as not being called for by any abuses either proved, or distinctly alleged to exist, but gave the reason why he had voted for it, after having expressed that opinion against it. It was because, finding some insinuations which seemed to point at the office of the masters in Chancery, among those in which abuses were supposed to exist; he had invited explanation on that point, and had declared, that if any gentleman would assert the existence of abuses in that quarter, he would vote for the inquiry. And an hon. and learned member having, in reply, declared his belief in such abuses, though not as proceeding from the masters themselves, he had thought it became him to vote for the motion. Such was the explanation he had given the last night; and it was, to be sure, a very extraordinary misrepresentation of it, to state that he had admitted the existence of the abuses in question. It was to make the challenging inquiry a confession of the charge. It was virtually to make him impute blame, not to himself only, but to his colleagues, than whom men of purer honour were not to be found in his Majesty's dominions. It was impossible that he could pass over such a misrepresentation unnoticed; yet as he did not suppose it to be wilful, he would content himself with having thus publicly corrected it.

COMMITTEE OF WAYS AND MEANS.] On the motion of the Chancellor of the Exchequer, the House resolved into the Committee of Ways and Means for the purpose of re-considering some of the resolutions, the further proceedings on which were postponed yesterday evening.

Mr. *Grenfell*, assuming that the new



taxes proposed would be sufficient for the payment of the charge of the loan for the present year, wished to know from the right hon. gentleman, if it was likely they would continue to be sufficient for the provision for the charges on the loans that would be required during the four years that it was calculated the winding-up of the arrears of the war would take, or whether the country was to be liable to additional taxes for that purpose?

The *Chancellor of the Exchequer* replied, that under all the circumstance of the case it was impossible for him to give a definitive answer, but such as he could afford he would be happy to make to the hon. gentleman. The plan which he had stated the other evening certainly proceeded on the supposition, that instead of performing that operation at once, the funding of the arrears of the war should be diffused over four years. The taxes which he had proposed were calculated to be sufficient, not only to the payment of the charge on the loan of the present year, but to the payment of the charge on the loans during the four years to which he had alluded; at the same time some addition might be necessary. It was to be considered, that the peace establishment would be on a more expensive scale than it had ever been on former occasions, and that during the four years there would be a necessity to provide for the charges on a loan of 4 or 5 millions in each year.

Mr. *Tierney* was desirous to know if he was to understand that the six millions derived from the prolonged war taxes were to be so derived during the four years, together with the five millions of new taxes. At the close of the winding up, what would become of those six millions?

The *Chancellor of the Exchequer* said, that the six millions certainly formed a part of the 13 millions revenue which he had recommended to be raised. It would be for the wisdom of parliament, at a future period, on a comparison of what might appear to be the necessary establishment of that period with the means possessed by the country to maintain it, to determine on the disposition of those six millions.

Mr. *Tierney* observed, that the right hon. gentleman then supposed that the war taxes in question would continue to produce six millions.

The *Chancellor of the Exchequer* replied in the affirmative.

Mr. *Ponsonby* observed, that parliament were in consequence voting supplies, not for the present year alone, but for four years to come. When did the right hon. gentleman mean to inform the House of the extent of the peace establishment which he intended to advise?

The *Chancellor of the Exchequer* said, that he would take the earliest opportunity that circumstances would allow, of making a particular statement on that subject. As to the supply, parliament were merely voting the supply for the present year.

Sir *Gilbert Heathcote*, adverting to a rumour which he described as prevalent, of an intention on the part of his Majesty's government to appropriate a part of the taxes now to be raised to the purpose of repairing the fortresses of Belgium, begged to know whether or not that was the fact?

The *Chancellor of the Exchequer* replied, that it was impossible for him at that time to give an answer to the hon. baronet's question.

The Resolutions were then agreed to.

STATE OF THE CORN LAWS.] The order of the day being read, for taking into further consideration the report which, upon Friday last, was made from the committee of the whole House, to whom it was referred to consider of the State of the Corn Laws; it was ordered, that the said Report be referred to the committee of the whole House, to whom it is referred to consider further of the state of the Corn Laws. And the order of the day being read, for the House to resolve itself into the said committee,

Colonel *Gore Langton* opposed the motion. The country, after a war of unparalleled taxation, and in the moment of anticipated plenty, ought not, he said, to be disappointed by such a measure as that proposed. He did in his conscience believe that the sentiments of the great majority of the people on this subject—an opinion formerly expressed so strongly—remained unaltered; and that they looked with fearful apprehension to any change being made in the corn laws.

General *Gascoyne* was convinced, that it was from the necessity of postponing the measure last year, that it was lost. An hon. member had stated, that this procrastination had given an opportunity for a farther investigation of the subject, and that he thought it likely to be more satisfactory. He was convinced, however,

that the people at large remained much in the same sentiment as they entertained last year, and this sentiment was again expressed by the innumerable petitions which crowded the table of the House. There was scarcely a large town in the kingdom which had not sent up its prayer, that no alteration might be made in the corn laws. They had seen no other alteration take place, in consequence of the labours of the committee, but an increase in the price of bread; and though it had been said, that those who were guided by reason, rather than by feeling, were generally right, he was of an opinion directly the contrary; for in whatever related to the subsistence of human life, those who were guided by feeling were sure to have reason on their side. The House being composed of the great body of landholders in the kingdom, and the representatives of the people, must come to the discussion with feelings of another kind. He did not mean to say, that there would be any bias on their minds on this account, but only that having an interest in the land, their feelings could not be expected to be the same as those of the populace at large, who subsisted on the produce of the land. It appeared a most extraordinary part of the measure, that the House was called on to prevent the importation of corn into the country for three months; and that there was still to be an importation going on under the warehousing system. As corn was a very perishable commodity, he conceived that when it was imported into this country, to be kept in warehouses till the price attained a certain height, there must be some provision made for the importer, who would otherwise sustain a dead loss upon his property. Unless some clause were introduced to this effect, the consequence would be most serious, and no persons would be induced to import. But this might be said to be only one of the *minutiae* of the subject. On the principal point, it would, in his opinion, be most judicious in government to reduce the importation price to 72s. which would be a sufficient protection to the farmer. The first consideration should be the interest of the consumer. The main body of the people were the consumers, and not the growers. It was justly observed by Adam Smith, that the questions which must always be acquiesced in were those which related to religious opinions and the necessities of life. He was confident that

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the price now proposed was laid too high. It was impossible that the importation of foreign corn could produce the injury described; for it had been admitted and proved that the whole annual quantity did not exceed one-fortieth part of the consumption; it was impossible that this one part could affect the price of the thirty-nine, though that of the latter might affect the price of the one part. There were, certainly, some causes which had operated of late, to affect the quantity consumed; one of these was the return of the great number of prisoners of war, who amounted to about 100,000. This must have had some effect. Another cause was the number of persons who had gone from this country to visit the continent, and who might amount to 50 or 60,000. The combined effect produced by this change must have produced more effect than had been counteracted by the importation of foreign corn. If this was the case, we were likely to have bread cheaper; and if encouragement was given to the landed interest to continue the price at 80s. it could not be expected that they would make any great reduction in their rents. He thought that this was no more a time to settle the price of bread or rent, than to settle what should be the expenses of the peace establishment, which the right hon. gentleman opposite had said could not be ascertained for four or five years to come. He was firmly of opinion, that before the House should separate for the summer recess, the price of bread, which we were now eating at less than a shilling, would be nearer eighteen-pence. He hoped the House would agree to go into a committee on the subject, wherein clause by clause might be discussed.

Mr. Rose intended no opposition to the present motion, for he thought the measure would be best discussed in a committee. The House had determined upon having a statement upon this subject; and not being prepared to make one themselves, had referred it to a committee, who had sitten and presented the House with their report: and now the House were called upon to say, "I will shut my ears to your statement, and take up the case as it is, and not discuss whether any alteration in the price of corn be necessary or no." He was as anxious for the low price of bread as his hon. friend, but he differed with him upon the propriety of of the present division.

( 3 Q )

Mr. *Gore Langton* said, that, conscious of the rectitude of his intentions, no consideration upon earth should induce him to withdraw his present intention of dividing the House.

Mr. *Calcraft* thought it necessary, from the situation in which he stood, to say a few words. As he agreed in principle with the hon. gentleman, he regretted he should not be able to vote with him; but understanding the resolutions were to be taken into discussion in detail, so as to afford an opportunity of explaining their principles, he agreed in the propriety of going into a committee. Thinking, however, the cheapness of corn essential to the prosperity of the country, he should endeavour so to modify the resolutions (if they were suffered to pass at all), as to render them less mischievous; and if they could not be so modified, he should oppose the whole Bill on the principle stated by the hon. gentleman.

Mr. *Protheroe* said, that his opinions were very similar to those of the hon. gentleman who had just sat down. He opposed the proposition in the first instance; but as the House had got into the middle of the discussion, he did not think it would be fair to interrupt it.

Mr. *Whitbread* declared, that it was impossible for him to go to the division upon this question without stating the mischiefs that he thought likely to result from the hon. gentleman's perseverance in opposing the Speaker's leaving the chair. One thing every body must be aware of, namely, that on such a subject as the present, any thing like heat or irritation was most earnestly to be deprecated. What his opinions on the main question were, he would at that time abstain from mentioning; but he thought it unfair by the step taken by the hon. gentleman to create false impressions, and to force persons to vote in apparently direct contradiction to their principles, because that apparent contradiction was involved in their disinclination to interrupt the discussion of the subject. He hoped the hon. gentleman was not inexorable. If, however, he should prove so, he hoped he would find himself in a very small minority indeed.

Mr. *Shaw Lescore* said, that if this were the only opportunity of opposing the principle of the proposed measure, he might perhaps vote with the hon. gentleman who opposed the Speaker's leaving the chair; but as there would be many opportunities for taking the sense of the

House on that principle, he should certainly support the original motion.

Mr. *Philips* lamented the perseverance of the hon. gentleman, and declared, that whatever might be his opinions on the main question, he must vote for the committee.

Mr. *Horner* expressed a high respect for the hon. gentleman who opposed the motion, but felt that he could not vote with him. Probably his sentiments on the main subject were not less decided than those entertained by the hon. gentleman; but in dividing against him, he did not conceive that he was departing from consistency. He came down to the House with a sincere desire of hearing the question fully discussed; for however strong might be his own opinions, he thought it due to the importance of the subject to hear the opinions of all who had considered it, and to ascertain the various modes in which the evidence which had been adduced had struck various minds.

The House then divided:

For the Speaker's leaving the chair 197

Against it ..... 6

Majority ..... —191

#### *List of the Minority.*

Atkins, alderman	Shaw, sir James
Calvert, Charles	TELLERS.
Leigh, R. Holt	Curtis, sir W.
Lubbock, J. W.	Langton, col. Gore.
Smith, alderman C.	

The House then resolved itself into the committee.

Mr. *Baring* rose—

Mr. *Robinson* thought as the three first Resolutions were not objected to, it might perhaps be as well to pass them at once, and take the discussion on the general question when they came to the fourth.

Mr. *Baring* said, his observations would be founded on the fourth Resolution, which brought the whole subject before the House.

The three first Resolutions were then read and agreed to. On the fourth Resolution, which fixes the prices at which wheat shall be imported, Mr. *Rose* and Mr. *Baring* offered to address the committee. The chairman named Mr. *Rose*.

Mr. *Whitbread* reminded the chairman that his hon. friend (Mr. *Baring*) having risen to speak before the right hon. gentleman proposed to pass his three first Resolutions, might be regarded as having possession of the committee.

Mr. *Rose* denied that the hon. gentleman had been in possession of the committee. He had offered himself thus early, in consequence of his having been called on by the hon. gentleman on a former day. He was very willing, however, to give way to him, as he had no wish to trespass on the committee before they were perfectly at leisure to hear him.

Mr. *Baring* then said, that he would certainly have given way to the right hon. gentleman (Mr. *Rose*), if it had not been understood that it was his intention to move an amendment to the Resolutions now before the committee. Had he known, however, that the right hon. gentleman would use the same line of conduct which he followed last year, for the sake of the cause in which he felt an interest, he would have left the right hon. gentleman to have taken that part which he now entered upon himself. But he had seen with regret, that on a former night no part was taken in the debate by the right hon. gentleman, and it was natural for him to conclude that he had altered his opinion.

His own opinion upon the principle upon which the measure before the House proceeded, remained unaltered. The subject had been before the House last session and the session before, and nothing had passed, to induce him to alter the opinion which he then delivered respecting the course which he considered it was the particular duty of the House to pursue as to the general principle. But he was willing to allow that there existed a considerable state of distress in the agricultural interest of the country at the present moment, arising from a derangement of the circulation and property of the country. Whatever, therefore, might be his opinion as to the general principle, it was his duty to endeavour to find a remedy, if possible, to what he considered a temporary distress. Though in a state of commercial distress, it would be improper and impolitic to give to individuals Exchequer-bills for the purpose of trading on them; yet if in a distress of the nature of the present, by affording an occasional remedy, the fall might be broken of the reduction of prices, and the individuals might be saved, the attempt ought certainly to be made. It appeared to him that something might be done without injuring the general interests of the country, and without violating those general principles, which

he should be the last person in the world to wish to depart from. He wished at present to deliver a few observations on the general principle itself, because that was the point which, in his apprehension, would be principally discussed that night. He was aware that there was a serious intention entertained by a considerable majority to force through the measure in its present shape; and he would therefore take the liberty of now submitting a few remarks on that subject to the committee.

The state of the case was this: after a war unexampled for its extent and the exertions which had been made, the return of peace had been productive of great confusion in almost all our transactions, and it might well have been expected to be so. No consequences could have been with more certainty anticipated from a return of peace, than that some distress would take place. Any person who had at all reflected on the subject, must have foreseen, from the value to which land had risen in consequence of a number of circumstances, that on the return of peace, a great change would necessarily take place. Knowing the great influence which the land proprietors had in both Houses of Parliament, it was natural for those persons who were feeling the effects of this change to apply for relief from their difficulties. And the question now was, whether upon this representation of the case, the House were to infringe the principle by which the commerce and industry of the country was regulated, and to give the persons petitioning a remedy which would have the effect of deranging the whole labour of the country, and the scale by which alone our manufactures could be enabled to meet others with success in the market of Europe. The question was, whether they were to afford such relief to the agricultural interest as would enable landed proprietors to keep up the rents and value of lands, and the price of food, beyond that at which it would naturally be at. This was certainly an artificial system for the country to be in, though, as was stated by the right hon. gentleman who opened the business, it was not a new system. It was desirable that they should understand the extent to which the legislature had protected the landed interest of the country at the expense of the consumers. He would attempt to shew this, and what they were called on farther to do by the measure now before them. The population of Great Britain, that was, of



England and Scotland, he would take at  $12\frac{1}{2}$  millions. Dr. Adam Smith had stated our consumption of food at nearly a quarter of bread-corn for each individual, and as much of other corn for cattle, and for being converted into drink. Supposing this estimate of Dr. Smith to be correct, he should say, the price of the quarter of wheat in this country, if there were no corn laws, would be something about 45s. This was evident from the average price of France and the other countries opposite to us. Wheat might be brought to the ports of Flanders and France, at about 40s. a quarter. On an average of a number of years, it had been, in France and Flanders, about 40s. or rather something under that. Allowing 5s. a quarter for transmission, we should have it in England at about 45s. if there were no corn laws; because we were so geographically situated that the price of corn here would always be the average of the surrounding countries, from our facilities of water-carriage and other circumstances. The present importation price was 65s. a quarter; and there was a difference of 20s. a quarter, which was paid for the protection of the landed interest. This difference, on the consumption of our whole population, made a sum of  $12\frac{1}{2}$  millions of pounds. But then to this must be added the other corn employed for cattle and for drink, &c. which was estimated by Dr. Smith at the half of the former, or 6,250,000*l.* making in the whole 18,750,000*l.* This was a tribute paid by the consumers for the support of the landed interest.

He was not going into the question just now, whether they put this sum into their pockets, or whether this sum was necessary to enable them to grow corn. He was sure, however, he was stating the fact under the mark, when he stated this bounty at about 18,750,000*l.* The proposition of now adding 15s. to the quarter, or raising the import price from 65s. to 80s. would give an additional 14 millions, making in all 32,750,000*l.* paid by the consumers to the persons who grew their food. His wish was, that the question should be fully and fairly discussed, without having recourse to any thing of an inflammatory nature. He did not wish to be understood as stating that this was so much into the pockets of the landed interest; but, undoubtedly, he had in this estimate rather undervalued the amount paid by the consumers to the agricultural interest. If they were to take it in any

other way, they would obtain as high a result. The number of acres in an arable state amounted at least to 60 millions. Every person who had read the reports would see, that if no alteration took place in the corn laws the rent of land must at least be diminished to the extent of 10s. an acre. But the pasture land must also be taken into the estimate. The question was, therefore, whether the country gentlemen should give up 10s. an acre all over the kingdom, or whether the consumers were to pay to the growers a sum of 40 or 50 millions a year beyond what they would pay in other circumstances. It was impossible to look at this subject without seeing that the growers of corn in this country received a bounty on agriculture which the agriculturists of no other part of the world enjoyed. If he were to look at the condition of the gentlemen who possessed great landed property in this country, and to compare it with that of landed proprietors in other countries, he could not avoid seeing that the laws protected them in a peculiar manner, and gave them a greater advantage for their land than was obtained in other parts of the world. In France, for instance, might be seen persons of large landed property, living on the produce of that property, in the manner of the country gentlemen, and even the nobility, in this island in former times. But it was only in this country where landed gentlemen could go to great towns, and have great disposable incomes to spend wherever they chose. Any person who had considered the relative situation of gentlemen of landed property in this and in foreign countries, could not but be struck with the advantages they enjoyed here.

But he would leave this subject of an additional bounty, for the purpose of drawing the attention of the committee to the great importance of the question. It was true, that the commercial and manufacturing interests had not declined during the existence of this system, but had thriven, on the contrary, to a great degree. But then, the system might be carried too far. Though with the high price of labour, arising from the high price of food in this country, compared with foreign countries, our manufactures had not hitherto suffered, the difference might be carried so far as at last to destroy all competition with foreign manufacturers. He did not mean to say whether this effect would be produced by the additional 15s.

a quarter, or what sum the industry of the country could possibly bear; it was certain that the price of labour might at last be raised so high as utterly to destroy competition with foreigners. By adopting the principle now contended for by the landed interest the most serious mischief might be done. Here he could not help adverting to a most whimsical sort of evidence adduced before the Lords, and to be found in their report. One could hardly conceive the nature of the understanding that should require an explanation of the proposition, that the price of labour was affected by the price of subsistence. This proposition was laid down by every writer who had written on the subject. He had heard that the evidence alluded to by him, was introduced by a noble lord (Lauderdale) remarkable for the subtlety of his distinctions in matters of political economy. If any gentleman should go into this subject, he might afterwards also go into it; but he could not conceive that any evidence adduced to controvert the proposition he had just stated, would have any effect on the House. Whatever may have taken place in particular branches at particular times, nothing was more certain than that labour, in the long run, must always depend on the price of the means of subsistence. That the price of agricultural labour, in particular, was affected by the price of the means of subsistence, was to be found in every part of the evidence. Whether they received this as the wages of labour, or in the shape of an allowance under the poor laws, it was always so much bread. Mr. Bennet told them, that the labourer had so much bread, either from the farmer or the parish, and 3d. a week for luxuries. There could, therefore be no doubt as to agricultural labour. It was certain that the importation price would bring the price of bread and corn in the market along with it. It had been argued by his hon. friend near him (Mr. Western), that this consequence would not follow. His hon. friend had stated, that on his conscience, if he thought the measure would have the effect of making bread dearer, he would not recommend it; but he was convinced it would make bread cheaper. He believed his hon. friend had sincerely spoken his conviction on this subject; but he could not conceive the constitution of that person's understanding who thought the measure would have any such effect. It had been stated by the agricultural

interest, that if they could not get 80s. a quarter for their wheat, they would be under the necessity of throwing up their lands—that they could not live on less. If the measure, then, were to have the effect of making bread cheaper, it would produce the dire effect of making the agriculturists throw up their lands. They had at present 66s. and they contended that this ought to be raised to 80s. But this measure would have the effect of bringing the farmers to that state of distress from low prices, that they could not cultivate their lands, and then what became of the question of the independent supply which we were to derive only from ourselves? We should then come to the horrible situation of being dependent on foreign countries for the food which our own farmers could no longer raise. But no man could look to this measure and say, that it would have the effect of producing cheap food.—If it were stated that it would have the effect of giving a fair remunerating price to the farmer, and that it was for the general welfare that such a remuneration should be afforded him, then he could understand this. But when persons contended, that a relief should be given, that, according to their own shewing, would have the effect of aggravating the distress, he wished to ask them how, if the prices should be low, the farmers were to live?

But laying aside this general reasoning out of their own statement, he would ask what was the state of this country? Of one which consumed more than it grew, the price of corn must depend on the rate at which the excess can be either brought from abroad, or obtained by extraordinary means from land which would not otherwise be applied to the growing of corn: It was said by gentlemen on the other side of the question, that there would be no excess, and that this country could grow as much corn as was necessary for our own supply, but that we were prevented from doing this by the present low prices; that there were cold clay lands which could not remain under perfect cultivation at these low prices; and that, if this measure should not be carried, these lands must be thrown out of tillage. But if, on this subject, there could be any doubt as to the prices in the market following the importation price, they had only to look into the history of the corn laws to have it removed. On looking back they would find that an alteration on the importation

price had always produced a corresponding and instantaneous change on the price in the market. Whenever they raised the protection to the grower, it was found that this rise was invariably followed by an increase of price to the consumer. For the five years preceding 1764, when an alteration took place, the price of the quarter of wheat was 1*l.* 10*s.* 2*d.*; and for the five years from 1764 to 1769 it was 2*l.* 2*s.* 2*d.* The raising of the importation price in 1764 was therefore instantly attended with a great corresponding rise to the consumer. That no rise of price took place for a long period before, was owing to government leaving alone the laws; for no material alteration in them had taken place for about 65 years. In 1764, however, it at once rose from 1*l.* 10*s.* to 2*l.* 3*s.* Prices continued nearly the same from 1764 to 1794, during which period no alteration of the importation price had taken place. In 1794 the importation price was again altered. For the five years before 1794 the price was 2*l.* 7*s.* the quarter; and for the five years from 1794 to 1799, it was 3*l.* 4*s.* Thus it would be found that a rise of price to the consumer had invariably followed every alteration in the importation price. Whether or not the farmer could live at the present importation price, or what further protection should be afforded to the farmer, was another question, and he would come to it presently; but no person could doubt that the raising the import price of corn would be attended with a rise in the price of corn in the market.

Gentlemen had taken different views of the causes of importation and exportation of corn at different periods of our history. The great cause of the increased importation of late years, was the increase in the population of the country, the increase of our manufactures, and our different establishments. From this, and not from other circumstances, we had become a great importing country; and yet, notwithstanding we had been an importing country, the prices had always continued high. This made quite against the argument, that when importation of foreign corn was suffered, prices would be low. For the last twenty years, we had continually imported corn; and the excess was greater than at any time before on record. We had never before imported one half of what we had imported during the last 20 years. One would think, on the principles of the proposers of the measure, that

this excess would have had the effect of discouraging our agriculture. Now, what was the fact? There never was such an improvement in our agriculture, as had taken place during the last 15 or 20 years. This not only disproved the argument, that importation was injurious to our agriculture, but it shewed also that the increased importation had arisen from an increased population, and not from any detriment to our own agriculture.

But then, according to the gentlemen on the other side of the question, it was of the utmost importance that we should be independent on foreign countries for a supply of food; and we should, of course, by keeping out foreign corn, force into cultivation all the lands in the kingdom, at whatever expense, for the sake of being independent. Here he would observe that no government which had the least regard for the welfare and prosperity of the people entrusted to their care, ever went on so absurd a principle as to force in this manner, what gentlemen were pleased to call an independent supply. This was acting in direct opposition to the wise provision by which nature, in varying the produce of different countries, had made them all dependent on one another. Some countries were suited to corn; other countries possessed mines, fisheries, and other means by which men could gain a subsistence, but were not adapted for corn. If Malta and Norway had in this manner taken it into their heads to make themselves independent of foreign countries for a supply of food, they might long have scratched their barren rocks and barren hills, before they could have produced one-tenth part of the subsistence which they procured in exchange for their fisheries, and the other branches of industry which nature had placed within their reach. Undoubtedly, they might have, in this way, forced some land into cultivation which would otherwise have been neglected. In Malta the people even went so far as to bring soil from Egypt, and spread it on their rocks. There was no limit to the perseverance of human industry; but on that principle of forcing a supply from your own soil, for your own population, your population never can exceed your own produce, and the consequence, therefore, of that would be, that you must cut down your population to suit your corn, instead of regulating the supply of corn by the population. This was not lengthening the bed to the man,

but shortening the man to the bed. The consequence of this system on our own country would be this—though it was not like Malta or Norway, unfit for the production of food, yet it was in many cases in an analogous situation. Scotland, for instance, was not fitted for the growth of wheat. In some parts of the south of Scotland, he was aware that the cultivation of wheat was practised; but in general the country was naturally ill adapted for it. What would be thought of the folly of the people of Scotland—a people remarkable for their ability and wisdom—if on this principle no persons were to be permitted to live in that country except they brought meal and bread with them? Instead, however, of acting in this manner, a country, comparatively speaking barren, was occupied by a people full of industry and enterprize, who brought from every quarter of the world that which nature had refused at home. In the southern parts of England there were many districts somewhat in the same situation; and the greatest part of the country was more unfavourable for agriculture than many of the countries on the continent. It was evident that we had more bad harvests, for instance, than there were in the country over-against us. By this system of forcing an independent supply, we should be abandoning all those resources which we derived from our industry in every part of the empire. Whether this additional 15s. on the quarter would drive the cotton, iron, and other manufactures out of the country, he would not pretend to say; but this he would say, that every advance on the price of corn, and consequently in the price of labour, was giving an advantage to our competitors in the market of Europe, and that we ought to be on our guard how we hazarded any measure which might have the effect of ruining any branch of our industry, and thus sacrificed the means which had already contributed so much to our wealth and prosperity.

The effect of the very high price obtained for grain within the few last years, had been, not only to bring new lands into cultivation, but it had had the advantage of introducing improved modes of tillage, by which the land already brought into employment was rendered much more productive. No pains, no labour, no expense need be spared, a farmer might make his fields like the ground of the most highly cultivated gardens, if he were adequately remunerated, by the price of

grain bearing a proportion to the expenses he incurred. He had heard that one large farmer had been obliged to give up his system of hand-hoeing in consequence of the depression in the value of corn; but if the gentlemen who supported this measure proceeded, a system of hand-raking might also be adopted, and farmers might even, at a future period, find it worth while to employ immense watering-pots for irrigating their land in seasons when there was a deficiency of rain. But while these experiments were making the consumer would be suffering, and the result must inevitably be to reduce the price of corn that had been raised by these artificial means to its proper level: we might then not only supply sufficient for the consumption of our own inhabitants, but again become a country exporting the surplus not required for our own maintenance, since the consumers themselves would, after a certain lapse of time, be destroyed by the effect of our own proceedings. Such were the general considerations that had induced him to persevere in the sentiments he had entertained and expressed in the last session of parliament: in the mean time he had endeavoured maturely to weigh the arguments on both sides; and the result was a confirmation in his original opinion, not only that it would be impolitic, but that it would be little short of madness and folly, to add to the bounty already afforded to the growers of corn.

But leaving these general principles on which the question might be safely decided, and admitting the foreign supply to the fullest extent, he begged to submit to the House a few observations, by which he thought he could establish, that the claims now made by the land-owners and farmers were unreasonable and unjustifiable. In fact, the more he entered into the detail of this subject, the more absurd and exorbitant did those claims appear. He wished for no evidence but that already before the House in the report of the select committee; for, notwithstanding the obvious bias with which the witnesses gave their testimony, they had made out a story that would be the ruin of the case they had been adduced to support. He did not mean to accuse them of being operated upon by any motive that was not extremely natural; but no man could read the testimony of a single individual, without discovering the fact, that his information received at least a colour from the influence of his own interest. In



the year 1804, when a law was passed for the improvement of the situation of the farmer, he professed himself satisfied with what the legislature had done for him; and what, Mr. Baring begged to know, had since that period occurred to make it necessary that the House of Commons should again listen to his case? A great deal had been said in the committee, and out of it, regarding the augmented expenses to which the farmer was now exposed: the great increase in the price of labour, of manure, of implements, and of the other requisites for his occupation, had been much dwelt upon; but it became gentlemen who supported the other side of the question to shew, what expenses he was now obliged to incur that would not be proportionably diminished by the reduction of the price of bread? Had they done so, or was it possible that they should do so? And in this respect the excellent speech of the right hon. gentleman who introduced the subject to the House had been particularly defective. It scarcely required argument, for all persons must be aware that, excepting taxes, there was not a single expense to which a farmer was exposed, that would not be diminished in the same rate with the main article of subsistence. Horses ought not to be included, since they formed always a part of the stock of the land, and were often bred upon it; there were other charges of a lesser nature, but that which had been principally relied on in the House and before the select committee, was the article of manure. It was very unfortunate for those who opposed this measure, that they had dwelt so much upon this particular item, for it was the article of manure that shewed most unequivocally the absurdity of the argument. One of the hon. members for Hertfordshire (Mr. Brand), on the former night, had said a great deal upon the expense to which farmers in his neighbourhood had been put for soot, as a dressing for the land; but was it to be supposed that in time of peace no soot could be procured? Would no fires be lighted and no chimneys swept; and would it not follow as a consequence, that the price of the article would be diminished? Oil cake was another expense that a farmer incurred; but it had already fallen to nearly half its price, and the pressers would in future willingly sell it at any price, rather than procure for it no market at all. Stable dung would of course be increased in quantity, for if corn

were so cheap, more horses would be kept by persons who before were not able to afford them, and it therefore appeared that manure would not only be greater in quantity, but much cheaper in price. But the main expense to which the farmer was exposed, was that of labour; but it was not a little singular, that in the evidence, the agriculturists had made their calculations invariably upon a high price for labour and a low price for grain, so that the deduction was most unfair. There was no man who would venture to deny that the price of labour would be lowered by the fall of corn. Some of the questions put to the witnesses before the committee upon this point were rather extraordinary; one of them was asked, if the price of wheat were fixed at 80s. per quarter, and the charge for labour continued the same as at present, what would be the profit of the farmer? Mr. Webb, to whom it was proposed, of course could give no answer, and told the committee, in as civil a mode as possible, that they had required him to reply to an absurdity. Most of the evidence was adduced to prove that 80s. per quarter would be a fit price to be fixed, provided the prices of labour, of manure, and of implements, continued the same as at the present moment; but every gentleman who so contended ought also to shew how such contradictions were reconcilable, and how it was possible that the price of the various articles used in agriculture could remain unaltered.

After all the arguments had been adduced, assertions were resorted to by the committee; and the most extraordinary was, that the rent of the land had in truth nothing to do with the question. It was very easy for any set of gentlemen, in framing a report, to set down any statements they pleased, since no contradiction could at the time be given; but he would be glad to hear any hon. member rise in the House, and upon his own responsibility, in the face of the country, maintain that the amount of rent paid by the tenant, had actually no bearing or relation to the subject of discussion. In the documents before the House, one instance was given of Mr. Brodie, a great Scotch farmer, who rented land to the amount of 6,000*l.* per annum; some years ago he had only paid 2,000*l.* or 28*s.* per acre; and would it be seriously argued for a moment, that if from the rent of 6,000*l.* which he now paid, he were reduced by the effect of peace to 4,000*l.* it would not have a ma-

terial operation upon the price of corn he should grow? He was convinced that only a moderate sacrifice on the part of the owners of land, would produce all the advantages sought by the present measure. Of the price of the crops it was said, that the portion that came to the landlord on the best soils, was one-third, on average soils perhaps one-fourth, and on the wet cold clays, so much talked of, only about one-fifth. No man would pretend that it was fit, by means of an act of parliament, to keep up an adventitious rent for the benefit of the owner of the soil; or that the House should be called upon to do more than to enable the farmer to proceed with the cultivation. The question was, what would so enable him? Of the 80s. per quarter he would calculate that the landlord obtained 20s. as his proportion, and the remainder went to the tenant for profit, and for the discharge of the expenses of tillage. Suppose instead of 20s. the owner of the land were to receive only 15s. and the profits and expenses of the tenant were to be reduced in the same proportion, one-fourth, that would leave 60s. as the price that ought to be named after which grain might be imported into the country, that is, if a farm were now let for 2,000*l.* a year, that the landlord should only receive 1,500*l.* in future; and it would, he admitted, be reasonable to reduce the profits of the tenant.

All men would acknowledge that the improvements in the situation, habits, and comforts of the tenants, had kept pace with those of the landlords. Formerly a farmer thought it a high luxury if he was rich enough to enjoy his ale; but now, on entering their houses, you were not only treated with a bottle of Port, but sometimes even with Madeira. The sons of these wealthy agriculturists were all fine gentlemen; instead of following the plough, they were following the hounds; and the daughters, instead of milking the cows, were using cosmetics to their hands, that they might look delicate, while strumming on the harpsichord. Supposing, however, all that he had hitherto advanced to be ill-founded, still, upon the shewing of the other side, the price of 80s. was too high, and could not be justified. Several witnesses before the select committee had given their opinions in favour of a lower estimate. Mr. Maxwell and Mr. Crabtree had stated 75s. to be a fair price to be fixed, while Mr. Mann had descended

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as low as 72s. at which he conceived the farmer would be adequately remunerated; indeed, if it should come to the simple question, what was the price that ought to be named, beyond which importation should be allowed, he did not believe that any man who had considered the subject would hesitate a moment in rejecting the sum of 80s. That was admitted by many witnesses to be exorbitant.

He had now arrived at the last part of his subject. Upon the general principle on which he had first observed, he entertained no doubt; and upon the second part of his subject he was equally confident that the House would view it with very different eyes from those of the select committee, before it proceeded to legislate upon a matter of such incalculable importance. His object in troubling the committee that night, was to endeavour to persuade members that it would be more advisable to adopt some measure of a temporary nature, which might afford relief under those difficulties, the existence of which neither he nor any other man denied. It was impossible to refuse assistance under these circumstances; but it was the duty of parliament to take care that the aid was afforded in a manner not only effectual, but expedient. This might be accomplished by fixing the importation price, for a stated period, at a higher rate than corn at present bore, and it was most probable that the value of grain in this country would never be far above or below the sum fixed for its entrance into the country. Provided this relief were only of a temporary nature, it was of less consequence what was the amount fixed, whether 80s. or 70s.; but it was his wish that it should fall back by a gradual diminution.

The result of such a plan would be, that the farmer would be able to get rid of his produce at a fair price, while it would afford time for the expiration of the old, and give warning to those who might enter into new leases. He had a great objection to propping and bolstering up any system, whether mercantile or agricultural; and that it might not continue longer than was necessary, he should propose, as his first amendment, that the words 'for a time to be limited,' should be inserted in the third Resolution. The other questions respecting the sum to be fixed for importation would afterwards be arranged, when it would be of less moment; and he believed that there were

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many gentlemen who would support him in the proposal of a temporary measure, although they might not concur in the price which it would be fit to name as the sum above which importation should be allowed. He regretted that the question had been agitated at the present moment, when the finances were so unsettled, and the public accounts so confused; when the circulation was so corrupted by paper currency, the evil of which, though attended with some advantages, had been augmented by the numerous country banks, and which would not be without its important influence upon the measure before the House. He concluded by moving his amendment for a temporary measure, intimating his intention of proposing 76s. as the sum above which corn might be obtained from foreign countries.

Mr. Preston complimented the great body of land-owners, who, he argued, were liberal and moderate men, more anxious for the general welfare than for their own private emolument. He observed that the opinion of many of the witnesses was, that 80s. was not a sufficiently high price for the protection of the farmer, the produce of whose industry was burthened with so many imposts paid to the church, the king, and the poor. He enlarged on the advantage derived to the commonweal from an increase of arable land, and observed that Henry the 7th, a politic prince, took every possible step to prevent arable land from being laid waste, for land was only cultivated on account of some positive encouragement, pasture being always a certain profit, while the profit of tillage was uncertain. Lord Coke also, a man whose wisdom was proved in every word he wrote, and who wrote more than most men had read, in Tellingham's case, gave his opinion in favour of an increase of arable land, and observed, that the common law had given it the preference. More modern writers had enumerated the disadvantages of throwing land into pasture, and had stated them to be "the lack of strong and able men for the King's service, the waste of populous villages, the decay of churches, and the neglect of God's service." Those gentlemen who had maintained that the quantity of butcher's meat would be increased by the land being thrown into pasture, must have been wholly unacquainted with the subject: since, from the green crops, and the large sums employed in raising them, had the butcher's meat

produced on farms been wonderfully increased, and means afforded of maintaining the contest against France; since the navy could not otherwise have been supplied with beef and pork. Estates which had produced 100lbs. now produced 600lbs. of animal food, and more food for the cattle was now produced in winter than formerly was produced in summer. The increase of the rent of farms which had taken place of late years, arose in part from a real increase of value; as much capital had been expended by the tenants in improvements, and had, through that medium, gone to augment the property of the landlords. It was to be recollected, too, that the revenue of the government was more than equal to the whole rent of the land. The inhabitants of great towns, he thought, could not complain of the price of bread, as the hardship did not fall on them, but on the poor agricultural labourers. He did not wonder that the citizens of London should be clamorous against the proposed alteration in the corn laws, because they paid 30 per cent. for bread more than they ought to do, and than was paid at Exeter. It was the same with meat, which in London cost 10d. a pound, whilst it only cost in Exeter from 5d. to 6d. The House had heard a right hon. gentleman opposite called the Man of the People [a laugh]: but he held a book in his hand which contained much better reasoning than the pamphlet of the right hon. gentleman, it was the book of the marquis de Mirabeau, the friend of mankind. He had spent all last Sunday in taking that book to pieces, and it was one of the hardest works he had ever had—[a laugh]. It was one of the best books he had ever read, and he had extracted the substance of it, from which the members of the House might learn more in an hour, than nine-tenths of them had learnt in all their lives. The main point was this—"Make your soil as productive as you can, the productiveness of the soil is the only road to cheap bread." Whatever capital the farmers could be encouraged to expend in the land, the people would in the end partake of it. Those who opposed the encouragement of agriculture could only do so for some sinister and wilful purpose. It had been said, that the proposed measure would make labour dear, and depress the manufactures; yet it would be remembered, that on the India question it was asserted, that the British manufacturers could un-

dersell the Indians, who lived on twopence a day. It was evident that this country owed its superiority in manufactures, not to the cheapness of provisions, but to the superiority of capital, talents, and machinery. If the reduced scale was adopted, the House would do more evil in an hour than could be repaired in an age.

Sir *Frederick Flood* supported the original resolution, and said he was surprised the two last so learned speakers had not mentioned the name of Ireland. He wished the House had been in possession of the sentiments delivered at a great public meeting of the county which he had the honour to represent, at which were present great numbers of the lay, spiritual, and other agricultural classes.—[a laugh.] That meeting had deemed it impossible that the agriculturists and manufacturers could have two distinct interests, and that an enemy to one class could not be a real friend to the other. There were one or two circumstances with respect to Ireland, which he wished to mention. That country had sent to Great Britain in 11 years, corn to the value of 11 millions; in the year 1812 alone, to the amount of 3 millions. Unless the legislature afforded encouragement, the land there could not continue to be cultivated, and that export would no longer take place; for to supply this country, land in that island had been brought into tillage, which was so stubborn, that it required six bulls [a laugh] to plough it. He should have approved of 85s. rather than 80s. if the House would agree to it. And he thought it was of consequence that the measure should be permanent, since a certain market was of the utmost importance.

Lord *Binning* said, that after the very clear manner in which the measure had been opened by his right hon. friend, he had hoped that all the gentlemen who took part in the discussion would have abstained from examining it as a question of party, and above all, that they would have abstained from throwing out topics of inflammation. He was sorry to find that in this hope he had been somewhat disappointed. The gentlemen on the other side had attempted to narrow the question as with respect to those who took the side of it that he did, but to indulge themselves in a very wide field of discussion. They stated the question shortly to be one between the landholders and the whole community; and sometimes

they put the land-owners on one side, and the poor on the other. He must deny that this was any thing like a fair statement of the case. He should contend that this was no question between the interest of the country gentlemen and the manufacturers, or between the landholders and the poor. When they talked of the whole community, he could not exactly see what they meant. Did they forget, that upon the land-holder depended the farmers, the labourers they employed in agriculture, and the different mechanics, and little shop-keepers in the country towns, that were supported entirely by the agricultural interests? If all the persons thus interested in the prosperity of agriculture were reckoned, he believed that the majority of the country would be found on the side of the question which he supported, and that those who were called in argument the whole community, would be found to be a minority.

When an hon. gentleman (Mr. Baring) had stated that corn might be imported at 45s. a quarter, and that all the excess of price above that was a tax levied on the community for the benefit of the landholders, he was really surprised at hearing such an argument from a gentleman so acute and clear in his comprehension. What was that contiguous country from whose ports we were to be supplied at that price? It was France. It was therefore necessary to compare the situation of that country with that of Great Britain. France had a population of 26 or 27 millions, a revenue of about 35 millions, and a debt of 70 millions. In Great Britain (he should not speak of Ireland at present) the population was 12 millions and a half, the taxes 60 millions a year, and the debt between 8 and 900 millions. It therefore appeared that the people of France were taxed at the rate of less than 1*l.* for each individual, while the people of this country were taxed at the rate of 5*l.* for each. Under such unequal circumstances, it was impossible that there could be an equality of prices. The hon. gentleman had thought proper to make many remarks on the mode of expense of the farmers and their families. It appeared to him, however, surprising that he should have forgotten the growth of the wealth and magnificence of the trades-people within the same time. They, too, occasionally indulged themselves with wine as well as the farmers; but he was so far



from being displeased at this, that he was happy to see the increasing wealth of the mercantile part of the community. He must deny the statement of the hon. gentleman that the land-holders of other countries resided more upon their estates than the land-holders of England. He believed that the very reverse was the fact. He believed that there was not a country upon earth where the landholders resided so much upon their estates. They there formed the connecting link between the crown and the people, and diffused blessings through the country in consequence of their residence, superior to what the land-owners of other countries did. And yet this was the class of people that it was now endeavoured to hold up to public odium.

An hon. gentleman who spoke on a former night (Mr. Marryatt) had professed the greatest disinterestedness in the capacity of a country gentleman, and had spoken of the great increase of rent on a farm that was in his family for a long time. This increase the honourable member seemed to think was too great, and therefore that it ought to be given up for the good of the country. Such conduct he would allow to be very disinterested. An hon. gentleman (Mr. Baring) had stated the evidence on the report, as if no one had thought of a higher price than 80s. He might, however, see in that report, that Mr. Arthur Young, Mr. Wakefield, and others, did think of a higher price, and stated it. For his part, he could not attach much weight to the evidence of Mr. Mann, which had been so much relied on upon the other side. Mr. Mann was not a farmer, but a merchant (a very respectable man no doubt), but he was a merchant who had taken a farm. He had not stated the result of his experience, for he had none; but he had stated what he supposed that his experience would be in future, from the calculations that he had made. As to the taking off the property tax, he would allow, that that must make some difference, but not nearly so much as was generally supposed. On an average calculation of a farm of 100 acres, all the direct taxes, including the tenant's property tax, might be calculated at 18*l.* 1*s.* 4*d.* while the poor rates alone amounted to 33*l.* 19*s.* 2*d.* He would rate the tenant's property tax at 2*s.* 6*d.* an acre, at the very highest. Now, as the average of a wheat crop was at least three quarters to the acre, if we were to divide this half

crown by three, it would appear that 10*d.* a quarter was as much as that property tax affected the price of wheat. The parochial taxes, on the other hand, might be considered as a charge of 2*s.* 10*d.* on the quarter. The removal of the property tax, besides, could not be considered as clear gains to the farmer. Other taxes were necessarily imposed in their place. The addition to the assessed taxes would be felt by the farmer, and, as he heard that they now drank port wine instead of ale, the new duty of 20*l.* a tun must also partly be paid by them.

In the depressed state of agriculture for the last twelve months, some relief was absolutely necessary. Numbers of persons had been turned out of employment, and the pressure of the poor-rates was become intolerable. It would be said by some that this depression was but temporary. Supposing even that it did proceed from temporary causes, that would not remove the burthen from the different parishes. Most enormous losses had been suffered in the last year; and if some speedy remedy was not administered by the wisdom and firmness of the legislature, the agricultural interests of the country might soon be completely ruined. It was not asking for a *minimum* of price, to ask for a price to be fixed at which foreign farmers might be allowed to import their corn, duty free. The price of corn in all the markets of England and Scotland was in a great measure governed by the price at Mark-lane. He believed it was perfectly true, as had been stated by one hon. gentleman, that it was the increase and improvement of our agriculture which principally enabled this country to get out of the desperate contest in which we had been so long engaged, with honour and success. Our agriculture could not be carried on upon an extended and improved scale but by the application of large capitals. It was impossible to give the farmers a remedy for what losses they had already met, but it was possible to save them from still greater losses. He believed that the country never yet sustained so great a loss as it would suffer now, if the legislature were not to interfere.

A great deal had been said against the improvement of poor lands. If such expressions were to go forth as the sentiments of the legislature upon the subject, it would cut up all improvement by the roots. The light lands would be first thrown out of cultivation into degenerate

and inferior pasture. In many districts of the country a want of capital was still strongly felt; so slow was the application of capital to agriculture even where there had been encouragement. How much slower, then, would be the application of it, if it was pointedly discouraged by the legislature? When an hon. gentleman (Mr. Baring) talked about attempting to cultivate sand and rocks, did he recollect what was the state of the county of Norfolk before the new and scientific system of agriculture had been introduced there? Had he forgotten what was due to the exertions of the late lord Townshend? Norfolk was now a pattern to other countries which were more favoured in their soil. From the improvements of agriculture, we might now see the progress of cultivation up the sides of hills, which had never before been ploughed. But what was to become of such land as that of Norfolk, if such employment of capital were discouraged? What, also, was to become of the comparatively poor land of Scotland, which of late presented such a grateful prospect? Every man who loved his country must be alarmed at the very idea of any retrograde motion in such a flourishing system; yet such was the threatened consequence of rejecting the measure under consideration, not only to England and Scotland, but to Ireland also, the adequate encouragement of whose agriculture was so essentially necessary to the prosperity, the tranquillization, and, without offence to the last speaker, he would add, to the civilization of a great part of its people.

But he wished now to come to the great question—What was the country from which the gentlemen on the other side expected to draw their supply? He thought that it could not be too often rung in the ears of the House, that that country was France. Previous to the Revolution France had not been an exporting country, but had become so through the destruction of many abuses, and the division of property during her political convulsions; and though she had supported enormous armies, she was perfectly cultivated every where, and highly productive. On this subject the noble lord read part of a letter from an English gentleman at Paris, who stated, that the price of corn was so low, that it must occasion the ruin of farmers in England, should importation continue to be allowed. Notwithstanding that France had been obliged to support armies

to the amount of 800,000 men, the harvest had proved so abundant this year, that 144 pounds of wheat had sold in the market for 15 francs, or about 13s. of our money, and the legislature had taken some measures on the subject. He contended, that were our supplies to be derived from that quarter, not all the British navy could bring sufficient quantities to England, supposing peace with France should last several years: yet by the operation of causes above the power of man, a scarcity might take place in that country as well as here. What, then, would be the consequence of having suffered our agricultural resources to be diminished? For the long continuance of peace he placed the firmest confidence on the wise and virtuous Prince who had succeeded our bitter enemy, and on the moderation of the government of this country. But should we be driven into a war with France, her hostility would be tremendous, when she would find herself at once our enemy and our granary. He hoped, indeed, that even wars might in future be conducted upon more liberal principles than hitherto; but still he could not risk the entire subsistence of the nation on such a hope, nor be content to rely on the generosity of an enemy. The noble lord concluded with adverting to the wholesome advice contained in the old English toast, "the plough, the loom, and the sail," and trusted that the day would never come when the plough should be degraded from its proper station. For should that day arrive, whatever might be the degree of our commercial prosperity, the best interest of the empire would be overthrown, our foreign commerce notoriously bearing scarcely the proportion of one-tenth to our internal trade. Therefore it behoved parliament to guard with peculiar care the interest of our home market, of which agriculture was the main foundation and most solid support.

Mr. Rose congratulated the gentlemen on the other side upon the able advocate they had obtained in his noble friend who had just set down. With respect to his own views upon this subject, he could assure the House that they had undergone no change whatever, and that he had no motive that could give any undue degree of bias to his judgment. He agreed with his noble friend, that the hon. gentleman (Mr. Baring) was not correct in stating that corn could be so cheaply exported from France, as the hon. gentleman could

not have included in his calculation the expense which the French farmer must incur in conveying his corn to the ports for exportation; but he differed from his noble friend as to the degree of competition to be apprehended from French corn growers. He thought the hon. gentleman mistaken in two or three things which had fallen from him. The hon. gentleman had said, that 45s. was the natural price of the quarter of wheat in this country, for that in France it was only 40s. and that at that price the country paid a tax of 18,750,000*l.* for the protection of the agricultural interest. He must differ from the right hon. gentleman, and could not allow that the country paid any tax to the agricultural interest at such a price. Wheat was not at 40s. in France; and the expense of collecting it and bringing it to the ports from which it was to be exported, was certainly more than 5s. If, therefore, the importation was left entirely free, it would not reduce the price of wheat to 45s. and consequently the country would not pay any tax at that price. France had, no doubt, had a most redundant harvest: but still the apprehensions expressed in consequence of the low price of corn that harvest naturally produced, were, in his judgment, exceedingly exaggerated. But yet he was no advocate for the idea of leaving the English agriculturist unprotected, or of letting this country be exposed to a total dependence on foreign supply. No such notion, indeed, ever entered his mind. His principle always was to protect the grower, while the consumer should be secured his due facilities. He was equally averse to the propositions of leaving either the import or export of corn totally free and unfettered; and therefore he opposed the resolution of last year, which, without the recommendation of any committee, or, as he conceived, any due consideration, was upon a sudden burst adopted, for allowing the unrestrained exportation of corn. This resolution he considered as quite erroneous in policy, and as involving a most material departure from the system that had governed the country for above five hundred years. It was, indeed, a total abandonment of the wise course recommended for the regulation of the corn trade by that able committee over which the late lord Liverpool presided. With respect to the report of the late committee upon the subject of agriculture, an intelligent witness, Mr. Webb, deposed, that the ex-

penses of the farmer were likely to fall to what they were in 1792, excepting only the taxes: and calculating upon the evidence of that gentleman, with whom he had since had the advantage of some conversation, the rate fixed in the resolution before the committee was certainly too high. This gentleman's sincerity, too, was rendered unquestionable by the fact, that all the leases in which he had lately been engaged, were executed upon the calculation that rents must fall. As to the removal of the property tax, the relief which that measure would afford to the farmers was undeniable, and his noble friend was not correct in stating that they would, in lieu thereof, be liable to many incumbrances from the proposed advance of the assessed taxes, as that advance applied only to carriages and horses kept for pleasure. Nor was his noble friend correct in his allusion to the poor-rates, with which the country to which his noble friend belonged (Scotland) was certainly not much burthened. But the fact was, that these rates were generally much more likely to fall than to rise, and this probability rested upon a variety of obvious considerations. Upon the Report of the committee of 1813, he should feel ashamed to make any comment, founded, as that Report notoriously was, upon the evidence of three Irish gentlemen, whose evidence proceeded from very limited views. But even the last Report was evidently drawn up in a hurry; for it was there stated, that no witness recommended a less import price than 80s. while many witnesses stated that it ought to be more. But to those who read the appendix, this statement would appear to be unfounded. In fact, there was no surveyor but Mr. Easton, who mixed the character of surveyor with that of farmer, by whom a higher rate than 80s. was recommended, and even he was of opinion that if the expenses of the farmer should fall to the rate at which they were in 1792, the import price might be reduced to 64s. and thus corroborating the opinion of Mr. Webb. Mr. Bennet had no doubt recommended 96s.; but then this gentleman was a very extensive farmer. There were other witnesses, however, whose opinion fell short of 80s.; for instance, Mr. Maxwell recommended 76s. and with him Mr. Mann concurred. Mr. Lowe, too, the Scotch grower, whose authority was entitled to the utmost attention, had written to state that 75s. would be a sufficient protecting price, and

with that opinion he (Mr. Rose) entirely concurred. But some witnesses recommended a less sum; and all the surveyors concurred, that even with the existing rents and charges to which the agriculturists were subject at the time of their examination, 80s. would afford an ample protection. Could it, then, be matter of wonder that he (Mr. Rose) should have opposed the establishment of a rate so high as 141s. which was recommended by the committee to which he had already alluded only eighteen months ago? He was as adverse as any man to the oppression or discouragement of our agriculturists; but surely his resistance to such an extravagant proposition could not be deemed unjust or unfair; nor could he be condemned either for resisting the establishment of 90s. which was proposed last year. The right hon. gentleman concluded with repeating, that he should, by the establishment of a due protecting duty, be always ready to give every encouragement to the growers of corn, consistently with the fair interest of the consumers; and in doing so he should feel that he was only acting upon the system which had regulated the policy of this country for ages.

Mr. Ponsonby declared his decided opinion, that the resolutions proposed to the committee were proper, and as such he felt them entitled to his support. Whatever unpopularity might attach to this opinion, strange as it might appear, that unpopularity would be to him an additional reason why he should give those resolutions his support. When the ministers, with whom it was his lot generally to contend upon adverse points, came forward, as on the present occasion they did, with a measure fraught with general, though to many unpalatable consequences, he would be ashamed of himself if, thinking that measure a right one, he took advantage of whatever unpopularity might attach to it, to withhold the concurrence of his aid to promote a common object in which they fortuitously agreed. The vote which he meant to give, was not one deduced from partial calculations of detail, but from a series of general principles. First, he was deeply impressed with the conviction, that no country that aimed at greatness, should for an instant admit into her policy, that the main subsistence of her people should, under any circumstances, be dependent upon the resources of a foreign power. However true it

might be, that perfect freedom of commerce should exist among nations in general, and even among individuals in particular; it was yet equally true, that in almost every instance it was impossible that this equality could practically subsist; and even if it were possible, and that in this particular case its practicability was manifest, still he would contend that it would be unwise to adopt it upon the present occasion. How was it possible to command this equality, so loudly sought for? Could they satisfy themselves that they could command the future concurrence of foreign legislatures, so as to leave a safe chance of their not being exposed to a complete state of dependence? The farmer had as good a right to the fair protection of his capital and industry as the manufacturer; and when the latter came forward and said, that it would be safe for him to part with the protection which he now enjoyed from foreign competition, then also it would be safe for the farmer to introduce perfect freedom into the commerce of grain.

He would lay it down as another principle, that of all classes, the farmer and the labourer in agriculture should be most favoured in the policy of every great country. He did not mean unduly favoured, for no man was more sensible of the value of the manufacturing and commercial classes; but in point of importance, whether viewed as to peace or war, they were subordinate to the agriculturists. In peace, if he looked at moral conduct, they were, generally speaking, superior; and in war, the pursuit of agriculture produced a set of robust and hardy people, superiorly qualified for military service. It was stated, however, that this was a measure mainly intended to raise rents; to continue those which were high, or to raise those which had fallen. He was neither ashamed nor afraid to say that this was a good consequence: for, did the other classes of society really think that they could derive any advantage from reducing the farmer and the gentleman in the scale of society? He would ask the manufacturers and the shopkeepers who were to be the purchasers of their commodities, if the agricultural classes were impoverished; where would they find another or a better market? In truth, their interests, rightly considered, were the same with those of agriculture. It was impossible for a great country that was highly agricultural, not to be also highly



manufacturing. There might be some exceptions to this in the states of antiquity; but in modern times it would be found almost uniformly true; and one consequence of this was, that the home market was always the best.

There was another view which he wished to take. To raise rents, it was said, was a grievance. Nay, one writer, he had seen, had the absurdity to assert, that rent made no part of the wealth of a state. What was rent? It was merely surplus produce, nothing more. It was that which was left of the produce of the soil, after the farmer was repaid for his labour and his capital in rendering his ground productive. That soil which was rendered the most productive left the greatest surplus, and paid the most rent. Who, then, could say, that the national capital was not thereby increased? He then adverted to the state of Ireland, and confessed that her condition weighed heavily with him, in a consideration like the present. She never could now become a manufacturing country, at least comparatively with this. He need not state the cause. He would, however, say, (and he meant no invidious retrospection) that the power of England had been for 600 years levelled at her depression, foolishly, indeed, for the one country, as it was cruelly oppressive for the other; and the bitter consequence was, that the resources of Ireland had been diverted into unnatural channels. It were vain to dwell upon this recollection. The articles of union had, however, set at rest the possibility of Ireland being a manufacturing country; she could be an agricultural one, and from her exercise of this occupation, could meet and aid the consumption of British manufactures. The law of his right hon. friend (sir John Newport), not long since enacted, for the free importation of grain into this country from Ireland, had done more for the general benefit of the whole empire, than any public law had effected since the Navigation Act. [Hear, hear!] Look to the fact. See the supply of food this country had received by that auspicious measure. And would any gentleman who heard him, prefer that such a channel of intercourse should take its source in the Baltic, in preference to the nearer and more immediate opening which the sister kingdom presented? He was sure he would not; fully believing that the time had at length gone by when the mischievous mode of disregarding Ireland was practised. He would as soon now intrust

the affairs of Ireland to the consideration and adjustment of the British representatives in parliament, as he would to that of any other body composing a part of the legislature of the empire.

The right hon. gentleman here referred to the calculating *data* regulating the importation price of grain; and in his opinion the standard of 80s. was alone the fair remuneration. His view of the question led him to accept that price; and at no other, he thought, could a safe protection be relied on. His hon. friend (Mr. Baring), for whose talents and extended information on this, as on all other subjects, he felt not only the highest respect, but admiration, had started opinions different from his own; but he could not concur in the notions which characterized his hon. friend's view of the subject—indeed he thought they were peculiarly unfortunate. The limitation and reducing scale were particularly objectionable: for what would be their direct operation? Nothing less than this—that the farmer would be told, for a certain time, and no longer, that his interest was worth consideration. If he was entitled to any aid at all, to be effective it should have a prospect of permanency; otherwise, the agriculturist would not trust his capital to so fluctuating a security; he would not incur the risk of sinking his property in a pursuit, the reward of which might be intercepted by a foreigner at the moment when the British grower was seeking the fair remuneration of his embarked capital and industry.

In the course of the discussion, it had been said that the measure in contemplation would make food dearer for the people, and that the legislature ought to view with caution a proposition tending to such a consequence. He admitted they should do so, as far as was reasonable and consistent with the public weal, and with such other regulations as they were bound to regard. He would even admit that a necessary result, flowing from the present motion, would be, that probably on the very day of its adoption, an increase of price in food would take place. But he would utterly deny that such a permanent effect would arise. On the contrary, the standard would affix a regulating price, which would prevent that fluctuating value, so pregnant with evil, and would by a steady market, in the course of time, bring the staple article of food to a fair and proper equivalent. He would therefore implore the House not to admit the

fallacy, that two distinct interests were at variance in the present discussion. The great body of the consumers should know, that to the labour of agriculture they must owe that constant and uniform supply of subsistence which can alone be insured by a fair and adequate compensation. Mr. Ponsonby concluded with declaring, amidst loud cheers, that for these reasons he should give his cordial assent to the resolutions which had been proposed.

Mr. *Whitbread* said, that he was not surprised that the House should have strongly felt the argumentative speech of his right hon. friend who had just sat down. In his opinion, however, both writers and speakers on the present question had much exaggerated their conflicting cases. In endeavouring to make up his mind on the point now before them, he thought that the efficacy of legislation in this question had been greatly over-rated. It was pretty clear that the measure would be nearly nugatory to the farmer for the present, and would probably not have that effect in future which was expected. With regard to what had fallen from an hon. friend of his, he must say, that he thought a community to which he (Mr. W.) belonged, had been rather hardly dealt with by him, as well as by the right hon. the Chancellor of the Exchequer, on a former evening. The reproach that had been cast upon them (most unmeritedly he would say), he hoped now to do away, by informing his hon. friend and the House that the price of beer had been lowered that day;—[hear, hear, and a laugh,]—not in consequence of the threat of the Chancellor of the Exchequer, or the clamour out of doors, but in consequence of certain measures that had been taken, and which only waited to be put in execution, till it was known what were the plans of the right hon. gentleman. The price would have been lowered before, had those plans been known before. He had presided that day at a meeting of tradesmen, where the proposition had been received with as much unanimity and good-humour, as the House had received the information he had just given them, although they could not help thinking that the attack upon them by the Chancellor of the Exchequer was rather cutting and unmerited. Sometimes, however, the meekest of men and the most modest of women said the severest things. Before he discussed the subject of that evening's debate, he wished to advert to what had been said of the great profits of

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the brewers. The price of a barrel of beer was fifteen shillings more at present than it was in 1761, and of those fifteen shillings government took eleven; while the real increase of profit upon every pot of beer to the brewer, comparing the present period with that of 1761, was only about four-fifths of one halfpenny. [hear!] And yet, if the right hon. gentleman would take away the taxes, the brewers would be most happy to sell their beer still lower. Having thus vindicated them, he would now vindicate the land-owners and farmers. It had been said, and most unjustly, that the present measure was a combination among the great landed proprietors to keep up the rents of the country at a most exorbitant rate. It was no such thing—[hear, hear!];—or if it were, indeed, a combination, it was a combination to prevent the depreciation of rent beyond its just value, and with it the depreciation of all other property. The clamour that had been raised against high rents, was a most unfounded and a most unwise clamour, and had always excited his indignation. Taking the country through, the rents had not been raised beyond what they ought to be, according to existing circumstances; and it should never be forgotten, that the landed interests were inseparable from our commercial prosperity. An hon. gentleman (Mr. Marryatt) had stated the immense rise of rent that had taken place on a property of his, as a sort of challenge to land-holders: but they in their turn had an equal right to ask, what had been the profits of his commerce. The rise of rents had not been an iniquity. It was a fair increase, resulting partly from the depreciation of money and the rise of prices. It was a popular thing to say to the landlords, Down with your rents; but he would assert they ought not to come down. How much of the capital of landlords had been expended on inclosures, on roads, on draining? All the bogs between this and his country had been drained since the time that general Oglethorpe shot snipes in Berkeley-square. The farmer, in what were called the good old times, often slaved on his land; but an increase of rent had in many instances stimulated his exertions, and in a few years he had found himself with much more money in his pocket than before. He was therefore perfectly convinced that there had been an unfounded clamour against the rise of rents. With regard to the witnesses that had been examined, it was difficult to draw

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any fixed conclusions from their evidence, as they were all called to answer a particular purpose. He felt at every step the difficulty of legislating upon the subject; and the more he considered, the more he was convinced that no plan of legislation could accomplish what was anticipated. When the price of bread was high, the popular feelings blinded the judgment; and he could remember when it was the fashion of the times, countenanced too by the then lord chief justice of England, to attribute it all to the acts and practices of forestallers, regraters, and middle-men. It was now, however, a time when the people might be told that the forestaller, the regrater, and the middle-man were doing more good in their private dealings than could be done by all the plans for public granaries and warehouses. The middle-man was always the friend of the people. He collected corn during a time of cheapness, to sell it out during a time of dearness; and if in his speculations he sometimes went beyond the mark, he required no other punishment than what his avarice received from being disappointed in its calculations. On the subject of wages, he had some years ago delivered an opinion, to which, however unpopular it might be, he still adhered, namely, that more human misery was produced by over-payment than by under-payment. Large wages led to idleness, extravagance, and dissipation. There was one class of the labouring community who had not so fully the means in their own hands of remedying an increase in the price of corn, greater than that to which those wages were adequate, he meant the agricultural class. A rise in the wages of agricultural labour did not rapidly follow a rise in the price of corn; but then a fall did not rapidly follow a fall in the price of corn. The wages of the agricultural labourer had lately risen; the price of corn had fallen—he was, therefore, left in a better situation than that which he had until recently enjoyed. He by no means thought those wages too high at present; on the contrary, he thought that when corn became higher they would be too low. He was not one of those who approved of the exercise of what was called old English hospitality towards the labouring classes in the country—of the cutting up of barons of beef, and the swigging of barrels of ale. Nothing contributed so much to prodigality, profligacy, and dissoluteness, as this mis-

named hospitality; but he was fully sensible of the advantages which those labouring classes derived from the residence of their landlords amongst them. In this respect, England had a great superiority over other countries. In England there were many landlords who constantly resided amongst their tenantry; and those larger owners of estates, who during a period of the year attended their duties in parliament, as soon as those were over generally returned to their estates, to perform their not less important duties in the country. In other nations the principal land-owners were drawn to and retained about the court, to add to what was termed its splendour, by the display of red and blue ribbons, and crosses of one kind or another, which as soon as they received they buttoned their coats to hide—fooleries which now appeared to be the object of imitation elsewhere. There was no place in which the landlords were so much attached to the soil as in England.

He would now consider the other side of the question, on which, also, great exaggeration had taken place. The philosophers did not quite satisfy him. They were occasionally inconsistent in their arguments. It was, however, evident, that any superabundant production of corn in the country would produce an increased population. Mr. Malthus had proved the elasticity of the principle of the population, and that let people plough, sow, reap, and work their hearts out, there would always be found some little brat or other to consume the superabundant corn which this activity might produce. Nor was a want of habitations a check to population. He remembered a young woman having called on him, and told him that she had lately married, and wanted a house on his estate. He told her that he had no house to give her, and asked her why she had not thought of that before she married? "Lord bless you, Sir," was the reply, "I was thinking of something else!" [A laugh.] The population of the country was working up in every way. How much would it be increased by the return to their homes of the disbanded soldiers and paid-off sailors, whose wives would be much more prolific when in their keeping than they had been while in the keeping of the right hon. gentlemen opposite. [A laugh.]

Much apprehension had been expressed lest we should be inundated with foreign corn. In the first place, whence was the

corn to come? Some said from France. Others contended that that was impracticable, but that it would come from Dantzic; while a third set characterized that supposition as absurd, and declared that from America an overwhelming importation might rationally be expected. For his part, he did not fear our being overwhelmed with foreign corn, although in times of scarcity we might obtain a supply that would be very serviceable. Whatever encouragement we might give by acts of parliament to the importation of foreign corn, the state of the continent had been, was, and unfortunately would, be apprehended, long be such, that foreign governments would prevent the exportation of their corn. France was at that moment going to stop the exportation. As for the Baltic, what could be feared from the northern countries? Look at the harassed and desolate state of Poland. Was it to be feared that an act of the British government would immediately turn Poland into a fertile country? And were that practicable, was not the king of Prussia strengthening the opinions of those who thought with him (Mr. Whitbread), that no danger of an overwhelming importation existed in that quarter, by imposing oppressive duties on the exportation of corn? In his opinion, governments and legislatures had no more control over such matters than they had over the air. What could be more vigorous, vigilant, and omnipresent than the power of Buonaparté while it endured? yet, when he attempted to prevent us (in imitation of our disgraceful example) from receiving sustenance from France, he failed. The French wanted money more than corn, we wanted corn more than money; the elastic force of the raw material burst its bands, and French ships arrived in British ports laden with that forbidden cargo. So it was when Buonaparté, in his hostility to England, attempted to compel Russia from sending us any articles of naval equipment. As in the other instance, the elastic force of the raw material burst its bands, and the exports which were in consequence made to this country from Russia, occasioned those complaints on the part of the French emperor which led to his invasion of the Russian empire, and eventually to the condition in which things now were—a condition which almost induced some people among us, who could not sell their wheat quite so well as they did formerly, to exclaim, "that it would

be better to set Boney up again." [A laugh.] They considered him as an ingredient which tended to enhance the money market. If this spirit were permitted to gain head, he was afraid, if he might use such contradictory terms, that the right hon. gentleman opposite must declare war again, in order to keep peace with the people at home. [A laugh.] Adverting to the subject of averages, he contended that their fallacy was gross, and generally allowed. It had been allowed by the right hon. the vice-president of the board of trade, who had nevertheless said that he must take them, because he did not know what else to do. As a legislator, that right hon. gentleman ought to endeavour to discover what to do. For his part, he could not agree to the proposed Resolutions, unless some more correct mode of obtaining the averages was resorted to. He had been told by several well-informed persons, that had the averages been fairly struck throughout the kingdom, the ports would have been shut so long ago as November. Were the averages better taken therefore, they would afford greater protection to the farmer. In the first place he would say, "take the averages better, and the ports will sooner be shut." In the second place, "now the ports are shut, wait until you see the effect before you adopt any new measures." He was not afraid of any inundation of corn from abroad; because he knew it would not come. He was not afraid of meeting the foreigner in the market, because he knew that nobody would buy foreign wheat if they could get English at the same price. The exportation in the last year from Ireland alone, had been as great within 30,000 quarters as in any former year; and thus the Irishman was able to meet the foreigner both in quantity and quality. He had heard the sages of the Corn-market predict long ago, that corn would never again be cheap in this country. Thank God, he had lived to hear them lament, that it was not likely to be again dear.

Lord Binning rose to explain. He denied that he had held any language hostile towards France, as had been attributed to him; but had said, on the contrary, that he hoped, trusted, and believed, that we should, in consequence of the good understanding between the British government and the amiable French monarch, maintain the relations of peace and amity with that country for many years to come.



Mr. Ponsonby deprecated hasty discussion. The bitterest foe to the country could not wish any thing better.

The Chancellor of the Exchequer then moved an adjournment of the debate; which was agreed to, it being then two o'clock in the morning.

## HOUSE OF LORDS.

Thursday, February 23.

TRIAL BY JURY IN SCOTLAND.] The order of the day upon which their lordships were summoned, being read,

The Lord Chancellor said, he had now the honour to propose to their lordships, for a second reading, the Bill for farther extending the system of Jury-trial in Scotland. Their lordships would recollect, that he had before presented a bill, which he had, with leave of the House, withdrawn, and then presented this Bill, which he considered as a very material improvement. He felt great satisfaction in stating, that the measure was likely to be agreeable to those for whose benefit it was designed. How the system of Jury-trial had gone so much into desuetude in Scotland, he did not know; but when the Court of Session was established, the process of brieves out of Chancery had given way to the process by summons. That court acted both as a court of law and equity, but whether this had or had not been attended with advantage to Scotland, it was now probably of little use to inquire. After that system had been so long established, however, he was persuaded that it would be felt to be a desirable object that nothing should be done except what was agreeable to the people of Scotland. He himself wished that the measure could be carried further; but at the same time he was aware of the importance of effecting the change gradually, and in a manner the most satisfactory to those chiefly concerned. There was matter, however, for a great deal of discussion in the committee; but the question now was merely this—whether their lordships would consent to introduce the principle to this extent. If their lordships agreed to this as the first step, and adopted the measure now, even to this partial extent, he was satisfied that at no distant period those noble lords who thought that the matter ought to be carried further, would have their wishes gratified, and that the feelings of the country would go along with them. It was enough for him to state this much

now. Though this measure did not go the length which some thought desirable, he thought it a great deal better even to do this than to do nothing. He would not, therefore, by endeavouring to carry the matter to the extent to which, in his own opinion, it might be usefully carried, risk the loss of that utility with which the measure in its present state would be attended, if it pleased their lordships to adopt it.

The Earl of Morton said, that this Bill contained a great many excellent regulations for the conduct of Jury-trial, but there was one thing which the Bill could not do. It could not make and prepare the minds of men for the reception and exercise of this species of trial to its full extent, and it was necessary that the experiment should be made in this manner for the present, since the plan could only be considered as an experiment. It had arisen out of the vast arrear of Scotch causes in their lordships house. There was one great source of the number of appeals brought, which he had not heard noticed by any one who had spoken on the subject; he meant what was called the *nobile officium* of the Court of Session. He did not mean to cast any imputation on the judges of the Court of Session, who only did what their predecessors had done, and exercised the power with great discretion. This power was that of interposing to give relief where the law bore too hard upon an individual. The consequence of this was, that a great number of persons who knew the law to be against them, began to exercise their *nobile officium*, and brought actions in the hope that they might succeed by the means of this *nobile officium* of the Court of Session. This was therefore a great encouragement to litigation in the court below, and consequently brought a number of additional appeals to their lordships house.

Earl Stanhope said, he agreed that it was highly desirable that Jury-trial in civil cases should be further extended in Scotland, and if the noble and learned lord on the woolsack had proposed that in the shape of a resolution, there was no man in the House who would not willingly have concurred in it; but when a Bill was introduced, the principle must be looked at with reference to what was contained in that Bill. Looking at the Bill in this point of view, he must say, that he was hostile to the principle of this Bill. His first objection to the measure was, that it was

optional with the court whether to order the Jury-trial or not; whereas, in his opinion, in questions of damages, it ought to be imperative upon them to allow this mode of trial at the requisition of the pursuer or defender. This was what had been proposed by the writers to the signet, and was by far the most sensible plan. His next objection to the Bill was, that the jury were only to decide on the facts instead of deciding on the facts and the law, on general issues, as in England. Yet, notwithstanding this limitation of the powers of juries, the judge was to give them directions in matters of law. For what purpose give them directions as to the law, if they were not to consider and decide upon it? This must mean one of two things: it must mean, that the jury were merely to report the facts to the judge, or that they were to take his law and not their own, and that, too, he contended, in violation of the oath which they were required to take. It would have been desirable, that the noble and learned lord should have set himself to reconcile these contradictions in this curious Bill, which he had disclaimed as he had the former Bill. This constitution depended upon two great and leading principles; 1st, that the laws were to be made with the consent of the people, by their representatives; 2d, that the laws were also on general issues to be interpreted by the country; and hence the trial by jury was emphatically and even technically called, 'trial by the country.' The principles which ought to regulate the powers of juries with respect to their verdicts, had been clearly stated by one of the greatest lawyers that this country had ever produced. Chief Justice Vaughan, that eminent judge, had stated, that on general issues, juries must decide on the law; and the rest of the judges of the Common-pleas concurred with him. Suppose a jurymen understood the law better than the judge, was he to give up his own law, and adopt that of the judge? The noble and learned lord on the woolsack had done well to reject the expression of the Scotch junto, that this was a Bill for the introduction of Jury-trial in civil cases into Scotland. It had been introduced in revenue causes at the time of the Union, and the jury was required to be unanimous as in England. When, then, the way had been already prepared, and the experiment already tried and found to answer so completely, were they to suffer themselves to be led by

a parcel of Scotch lawyers? It was said, that the minds of the people were not prepared for a measure that should carry the matter farther, and that nothing farther would be acceptable. What evidence had they of this? It did not appear that there was any thing like unanimity among the lawyers for confining the measure in this manner. It was only carried in its present state by 51 against 29, a majority of about 20, composed, perhaps, of a number of boys, who knew little about the matter. There was another remarkable clause in this Bill, for which it was impossible for any Englishman or any impartial Scotchman to vote, a clause which enabled the judge to pack the jury, which in cases where a view was required, enabled him to choose whom he pleased out of the pannel; a thing which was monstrous and infamous; a thing unheard of before, and a thing which it was impossible to support by any plausible argument. He remembered a story which was in circulation about forty years ago, about a man of great property who wanted a wife, and went to the opera and play-house, and whenever he saw a fashionable woman whom he thought unmarried, he went to her and said, "Marry or not, or would you rather not?" This address, coming from one who was a total stranger, constantly produced the answer, "I had rather not." In the same manner, this junto of Scotch lawyers might probably have disgusted many by the manner in which they proposed this measure. It was with them, "Jury or not, or had you rather not?" Another curious feature in this Bill was, that it was only to continue in operation for seven years, while the judge was appointed for life. He was aware that an eminent man could hardly be found to accept the situation unless it was to be for life. But why not introduce a proper measure, and make it perpetual? And after all, the judge might have nothing to do, for it might please the Court of Session to refer nothing to this mode of decision. He hoped at any rate that a clause would be introduced, providing that an annual account should be sent to this House of the proceedings under the Bill. He objected to this Bill, therefore, as unconstitutional. The language was, "Wait for some time—try this first, and you may have a more perfect measure afterwards." Suppose a colonel of an English regiment wished to teach his troops the English exercise,

alteration might be made in the laws respecting the importation of foreign corn. Ordered to lie on the table.

The House then resolved itself into a committee to consider further of the State of the Corn Laws.

Mr. *Walter Burrell* combated the arguments urged on a former evening against the Resolutions which had been submitted by his right hon. friend. These arguments, he said, had no foundation in truth, and were fallacious in the extreme. He replied to what had fallen from an hon. member respecting clay lands. He did not mean to say, that they were as good as some other soils; but he knew that they very often produced three quarters per acre, and if well cultivated, as much as four quarters, and the weight and quality of the grain were excellent. Now, if those lands were thrown out of cultivation in consequence of the low price of corn, what would become of the inhabitants of the districts in which they prevailed? Could they feed upon furze, or would the manufacturers come forward and relieve them? It had been said also, that the farmers would be able to sell their produce lower, because the property tax was taken off; but during the last year they had paid the property tax upon their losses, and not upon their profits. The great object which the Resolutions in question had in view was the protection of the farmer in the growth of corn, so that he might receive the fair reward of his labour, and at the same time the establishment of such a system as would ultimately lead to a supply of grain upon reasonable terms. This object, he contended, the resolutions were eminently calculated to obtain; and they should, therefore, have his unqualified support—a support which he was satisfied was in unison with the feelings of the great majority of the farmers in Sussex, from whom he had presented a petition, on a former night, to that House.

Lord *Jocelyn* stated, that he was one of those who very seldom addressed the House; he would not detain them by going into a detail upon the different topics connected with this question, nor in following the hon. gentleman who moved the amendment (Mr. Baring), through that range of statement which he had produced to the House, in a speech, in his mind more calculated to mislead the public understanding, than any speech he ever heard delivered. The noble lord

said he had had the honour of presenting a petition to the House, signed by above 500 of the most enlightened and respectable agriculturists of the county he had the honour to represent; and he would venture to say, no petition more fully proving the present inefficacy of the corn laws ever was presented to the House. In the course of the few words he had to say, he would take the liberty of adverting to that petition, and reading one or two resolutions, feeling, that to use the sentiments of his constituents in their own expressive language, would have much greater weight with the committee than any thing he could offer himself. He thought it was unnecessary for him to state to the House the vast anxiety and interest that occupied the public mind in Ireland upon this subject; for they must be aware of the great extent of agriculture that covered the whole face of that country; nor did he assume too much in attributing to that agriculture, those resources and energies which had enabled Ireland so materially to contribute to the present situation of affairs upon the continent, and to the restoration of that peace in Europe, which now so happily prevailed throughout the world. Here the noble lord adverted to some of the resolutions of the petition from the county of Lowth, proving that, in the three months previous to Christmas last, by the returns from London, of January 2, 1815, 258,812 quarters of foreign wheat were imported into London, and only 350 of Irish; and in the same period, 48,611 quarters of foreign oats were imported into London, and only 2,770 of Irish; and that, in the week following the 2d of January, 1815, 35,590 quarters of foreign wheat, with 24,088 quarters of foreign oats, were imported into London, and not a grain from Ireland. Surely, continued he, these are uncontradicted facts, which, whether looking to the present situation of the empire, or to its future resources, call upon the legislature for amendment. And here he could not help noticing what fell from the hon. member last night, who moved the amendment; who, in the face of that assembly, in the face of the country, and in the face of common sense, ventured to compare the advantage of having our resources within ourselves, and deriving our subsistence from our own soil, with the precarious reliance of procuring our subsistence from a foreign market, which might be withheld when we were in the

utmost want, and produce an unparalleled calamity, and such, he thought might be the case with this country, if the House agreed to the wishes of the hon. gentleman: for how could any one suppose that the British and Irish farmer, who had great taxes and burthens to bear, could cultivate his land, and raise his grain at the same prices as the foreign farmer, who had none of these drawbacks to contend with? With regard to Ireland, the noble lord thought, by what he had stated from the resolutions he had read, that the House must see the great alarm that prevailed in the agricultural world there on this subject. He had received a letter from an eminent agriculturist in the county of Lowth, who said such was the dismay amongst them, that if the best farm in Ireland was offered to him for nothing, he being obliged to till the land under existing prices, he would not accept the boon. Surely, this state of things required the interference of the legislature. Even the hon. gentleman must, in his candid moments, see the injustice that was done to the farmer; he must feel that the manufacturer of the soil had as good a right to protection as any other whatsoever. For no one could say that the time would not again return, when England, forced into the contest, would not want those resources within herself, of which she would be deprived, if by following the advice of those on the opposite side, we should deny to the farmer that solid and permanent security which alone would enable him to preserve those resources within this country which experience had already shewn were so necessary for the prosperity of the empire. He should, under all the circumstances, vote for the resolutions of the right hon. gentleman; at the same time he was by no means certain that the *maximum* of 80s. proposed by him, was sufficient to give that protection to the agriculturist, for which he contended. But if it was not found efficacious, he trusted government would again come forward, in that manly and praiseworthy manner they had done upon this occasion, and propose to the House some other arrangement which would afford a permanent and satisfactory protection to the manufacturer of the soil. The noble lord concluded by trusting, that however the House legislated on the subject, they would ever bear in their minds how nearly connected it was with the dearest interests of Ireland.

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Mr. *Finlay* said, the question was of such importance, that it required the most cautious and deliberate inquiry. For himself, as he had found the utmost difficulty in examining it, so he felt the greatest diffidence in delivering his opinion. He was convinced, however, that in order to secure an economical and permanent supply of grain, some restriction was necessary; and therefore he should support the resolutions for that reason, and because they would no less protect the manufacturing than the agricultural interests of the country. It was most evident, that unless the price of grain exceeded 70s. a quarter, a great part of the land in this country must go out of cultivation; and we must depend upon foreign supply for the support of our population. It should be remembered, however, that foreign supply might perhaps be withheld from us at the very moment when most we needed it; and it was in vain to talk of any regulations between governments for securing it. The people always felt a degree of alarm at seeing grain exported, however low its price might happen to be; and if the price were high, it would be impossible to restrain the popular feeling. He had himself witnessed that last summer, when he was in France, at the time the new regulations respecting the exportation of corn were promulgated, and when the price of it was extremely moderate in that country. With respect to the conflicting interests embraced in the present question, he perfectly agreed in the opinion expressed by the hon. member for Bedford, in his most eloquent and amusing speech last night, that great exaggerations had taken place on both sides. As to the price at which protection ought to be afforded to the farmer, he was only anxious that it should not be afforded at a higher rate than the necessity of the case actually demanded.

Sir *John Newport* observed, that the measure had two classes of opponents. That party, highly respectable as he allowed it to be, and operating more by their talents than their number, who openly avowed their hostility to it—the political economists; and those whose enmity was more covert; who, while they professed to protect agriculture, were disposed to narrow that protection so much as to render it utterly unavailing. The situation of the question in this respect might be compared to that of the abolition of the slave trade; which had also two

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classes of opponents. It was well known that the abolition of the slave trade was much longer deferred by the opposition of the gradual abolitionists than by that of the opponents of abolition altogether. Without some efficient protection it was impossible that our farmers, surrounded by difficulties, could be successful in the struggle against foreign agriculturists. There was also much of political consideration in the question; as it was by no means fitting that this country should depend for its subsistence on the caprice or on the hostility of other countries. Alluding to the speech made last night by his hon. friend, the member for Taunton (Mr. Baring), he observed, that two or three topics were introduced into that speech which had better been spared; but more particularly the attempt to draw a line of demarcation between the different orders in Great Britain, which really did not exist; for it was well known that there was a much more intimate connexion between the landlords and the tenantry in this country than in any other in Europe. His hon. friend had alleged, that it was in the contemplation of a great majority of the House to force this measure upon the people. This was not the case; and the assertion was one of those exaggerations which, upon such a subject as the present, was peculiarly to be deprecated. The only object of which he knew was to adopt such measures as were calculated to secure, not the temporary, but the permanent interest of the people. It had been roundly asserted by his hon. friend, that parliament were about to give a security to the agricultural interest which had never been given to any other interest, commercial or manufacturing. Let any one look at the statute book, and they would find that the reverse was the fact. They would find that every description of commercial and manufacturing interest was there protected by express provisions. What was proposed, therefore, was only to extend to the agricultural interest that protection which other interests had long enjoyed; and in so doing, eventually to benefit the whole community. Great reliance seemed to have been placed on the effect to be produced on the feelings of the House by a representation of the hardships of the labouring population of this country. If the labouring population of the country had an interest different from that of the other part of the population, it should be

recollected that another class of the labouring population should enter into the calculation, besides the manufacturing class. Out of twelve millions and a half, the population of this country, there were not less than from four to five millions dependent on agriculture; and out of six millions of the population of Ireland, there were at least four millions of the same class. Here, therefore, were from eight to nine millions, out of a population of eighteen millions and a half, employed in agriculture; and yet these were pronounced not worth attention! Could any thing be more monstrous? While speaking of Ireland, the interest of which country seemed to have been strangely forgotten on this subject, it might not be uninteresting to state how far she had, as an agricultural country, been affected by the last Intercourse Act which had been passed, and in what proportion Great Britain had been benefited by her exertions. During the three years, 1804-5-6, which preceded the passing of the Intercourse Act, Ireland exported to England 975,000 quarters. In the three subsequent years, 1808-9-10, the exportations reached, under the Intercourse Act, 1,800,000 quarters, and the three last years it had amounted to 2,170,000 quarters. To this, he presumed, it would be said, that Ireland was sufficiently benefited by this exportation. But was she benefited alone? No, precisely in the proportion of the increase in the demand for corn upon Ireland from Great Britain, had been the increase in the demand for woollens upon Great Britain from Ireland. The export of woollens from Great Britain to Ireland in the years which he had already mentioned when speaking of the increasing exportation of corn from Ireland to Great Britain, had increased from 2,100,000 yards to 2,300,000 yards; and from 2,300,000 yards to 3,700,000 yards. On this subject, therefore, as on every other, the interests of Great Britain and Ireland were the same. It was the interest as well as the duty of parliament to guard the interests of a country so able and so willing to contribute to the general prosperity of the empire. It might be supposed that the increasing demand on the part of Ireland for British manufactures had been occasioned by an increasing demand on the part of Great Britain for Irish manufactures; but that was not the case. During the periods to which he had alluded, the demand on the part of Great Britain for Irish linens had actually fallen

off; which proved that it was not that resource, but the sale of her corn, which had enabled Ireland to make so great a demand for the woollens of Great Britain. Considering that it was a most essential object both to the manufacturer and to the agriculturist, that the empire should be maintained in a state independent of the caprice or enmity of other countries with respect to its supply of food—considering that the interests of the manufacturer and agriculturist were inseparably connected—considering that the interests of Great Britain and Ireland were inseparably connected—looking at all the objects and interests at stake, he did think that even if the manufacturer were called upon to make some sacrifice (which, he contended, was nevertheless not the case,) as a good citizen, he was bound to make it. It had been asked, why the Irish should feel so much uneasiness, when the decrease of her exports was only 30,000 quarters; but she had also decreased 210,000 quarters in foreign exports, to Spain, Portugal, &c. A country like Ireland might feel difficulties, even though exportation increased. There were many farmers who had not capital to enable them to hold back from the market, and who must, therefore, sell, whether for profit or loss. They must go to market even though it was going to their ruin. He was convinced it was an essential thing even for our manufacturers that we should be independent of foreign countries. The real strength of the country was concerned in it, and in every view of our interests it was necessary that a legislative measure similar to the one proposed should be enacted.

Mr. *Frankland Lewis* declared, that after all the attention which he had been able to bestow on this subject, he was convinced not only of the expediency, but of the absolute necessity of some legislative interference to avert impending ruin from the agricultural interest; although he knew that on this subject he differed materially in opinion from many individuals, to whose sentiments he had been accustomed to pay the greatest respect. In the course of the arguments which had been urged on the question, much misrepresentation had taken place with respect to the present price of corn in France, which had been stated at a rate much lower than that which it was in reality. In the meeting which had taken place on this subject out of doors, authentic documents had been

produced, by which it appeared that the present price of corn at Paris was 58s. a quarter, and that although in some of the provinces it was so low as 36s. and 38s. a quarter, yet that the average price throughout France was 46s. and not, as had been erroneously said, 40s. It should be considered also, that this calculation had been made at the old rate of exchange, 24 livres to the pound. The fall in the price of corn did not altogether depend on the quantity imported. Recently, a greater fall had taken place, particularly in barley, than the importations would warrant. The fact was, that the state of the country during the last war had given rise to the existing circumstances; for during the war such impediments had necessarily been thrown in the way of importation, that the native agriculturist was encouraged to an extension of his exertions; and now that our ports had been open to all the nations of Europe, the sudden change had exposed him to the impending ruin, which it was the object of the proposed measure to avert. With respect to the rate at which the importation price should be fixed, he thought that it ought to be as low as possible. The object was not to fix such an extravagant price as to bring soils into cultivation naturally unfit for it, but solely to protect the farmer from imminent danger. It was known that there were infinite variations of price throughout the different markets of the different parts of this kingdom. For instance, the price received by the farmer in Northumberland and East Lothian must be much less than that received by the farmer in the neighbourhood of the metropolis, as the freight and charges of bringing the grain to the port of London was to be deducted from it. The subject of averages was involved in considerable difficulty. The kingdom was, it was well known, divided into twelve districts; the quantities of grain sold in the markets of each district, and the average prices, were stated in a return; and the corn-inspector, from the twelve returns, took an average for the whole kingdom. There were many objections to this mode. At one market in Norfolk there were in one week 109 quarters sold, and at another market 4,000 quarters; and the return was as much influenced by the one as the other. In the maritime districts of Wales and Cornwall the prices were generally higher than in London. Farmers were generally aware that the prices in the Gazette were

not to be depended on. The only security they could have of an approximation to accuracy, would be in the universality of the transaction. The fact was, that the law of 1804 had never yet been in operation; and it would be desirable to have the mode devised by that law altered. If, by correcting the manner of taking the average, three or four shillings could be obtained, he would prefer 76s. to 80s. under the present mode. He wished to advert shortly to the state of our currency, which was at present without a standard. The House ought to have their eyes open to this in fixing the importation price; for the necessity for the present alteration had mainly grown out of the depreciation of our currency. He could not help advertising to the great improvement in legislating with respect to corn, which had taken place since the middle of the reign of Charles the 2nd. At that time it was impossible to buy corn for the purpose of selling it again. Now there was a perfectly free trade between all parts of England, Scotland, and Ireland, a free exportation, and only a trifling impediment to a free importation.

Lord *Proby* declared his intention of voting for the resolutions, being fully impressed, that whatever benefit and protection were held out to the agriculturist, equally improved the manufacturing interests. He said, that an hon. gentleman (Mr. Baring) was himself a striking instance of the advantages which were possessed by merchants' sons, and he saw no reason why the sons and daughters of farmers should not share them.

Mr. *Calcraft* was sorry that any measures on the subject of the corn laws, should be pressed at the present time; but as they were, he should not refrain from entering into the consideration of them. The hon. member (Mr. Baring) had talked of an immense tribute which the other classes of society paid to the landed interest. Though he was one of the landed interest, he did not conceive that he was under any obligation to any of the other classes for what they had purchased from him as a farmer or landholder. The hon. member had also talked of a want of connexion between the landlords and tenantry of this country. Those who were acquainted with England, must know that the landholders passed one half of the year in the midst of their tenantry. On these points he certainly could not subscribe to the doctrine of his hon. friend. Nor could he agree with

gentlemen on the other side, that this was, at least in Scotland and Ireland, a question unconnected with rent. Rent was certainly a component part of the price of the produce respecting which they were now legislating. Look at it in Scotland, and look at it in Ireland. They had it in evidence from a farmer in East Lothian, that for 420 acres he paid a rent of 2,500*l.* a year, and that the value of the produce might be 5,000*l.* one half of which went to the landlord. So much for the subject of rent. An hon. gentleman, who had spoken on this, as he did on all subjects, with great ability, was surprised how so much effect could be produced in discouraging our agriculture by so small an importation. He could easily satisfy the hon. gentleman how. The quality of the French corn was this last year so much better than our own, that the millers would not buy the latter unless they could almost get it for nothing; and hence—a comparatively small importation had produced such a bad effect in respect to our farmers. When he had ever put the question to our farmers, what price they could have got for their inferior wheat had there been no foreign importation? the answer was—almost any thing that we should have asked. It was true, that barley had almost been a drug, notwithstanding the exportation of it had exceeded the importation. In fact, it could hardly be sold at any price. But, then, this was because government were no longer purchasers, and because the tax laid on malt by government had the effect of preventing the lower people from getting that beverage which every English labourer ought to have, and which every English labourer wished to have. The legislature ought not to interfere in imposing any restrictions on importation, unless it could be made out that such restrictions were for the benefit of the whole community. The interference ought in the first place to be beneficial, and then it became a question, if the interference ought to be to the extent proposed by the resolution. He had opposed the Corn Bill the year before the last, and he had not to regret that he had done so. He had never known a Bill of such importance attempted to be carried through on such imperfect evidence. He had only voted against it, and for that vote he had received the thanks of all his neighbours, both farmers and others. The present measure came forward at a time when the agriculturists were certainly labouring under a considerable degree of distress,

and a more perfect inquiry had been made than that on which the former measure was brought in; but still there was not sufficient evidence for them to legislate on. We stood now in a new order of things, and the farmer was secure from importation for three months to come. The prices for a great many years past had never been so low as the rate at which importation was prohibited. The property tax had an effect on the dealings of every order in the community, and the repeal of that tax ought, therefore, to be taken into account in any legislative measure of the nature of the present. For these reasons, as the farmer was secured for three months, he could have wished the postponement of the subject for six or seven weeks, during which interval the House might have been employed in making further inquiry. But not to press this objection, and dealing with the question as it now stood, a permanent and a temporary measure were now before the House. He was at first inclined to a temporary measure; but on farther consideration it appeared to him almost as a matter of indifference; because if this permanent measure should be found inimical to the general interests of the community, he was convinced it would soon become temporary; and if the temporary measure was found on trial to answer its purpose, it would be continued. For this reason he should not vote for the temporary measure.

With respect to the importation price, the lower the rate at which the farmer could be protected, the more satisfactory it would be to the country, and the more likely to answer the end desired. It was to be kept in view that the most flourishing state of our agriculture had taken place not only under importation, but the greatest importation ever known in this country. It was found that this importation did not at all interfere with the profits of the farmer. The farmer need not in ordinary years look with any degree of alarm at any importation; and from what he knew of the feeling of the farmers on this subject, he did not believe that they did look with alarm at it. The late meeting at Kent had not been generally attended by the farmers. The farmers throughout the country were, he believed, waiting with patience to see what the House would do for them, without troubling them with any solicitation. The rise of 15s., from 65s. to 80s. was an immense sum—almost 30 per cent. at one jump,—

and that at a time when our wheat was of the worst quality, and the quantity of it not great. The House ought to be cautious how they raised the price of the means of subsistence beyond what the wages of labour could purchase; if they did so, we must revert to the system we had followed during the war,—that was, paying the wages of agricultural labour out of the poor rates. Was this state of things desirable during a peace? Nothing but necessity could justify such an expedient. It had been said—Would you have raised the wages of labourers to 20s. and 25s. a week, which had often been paid of late to large families? In his opinion it would have been better to do so than resort to the expedient in question. It had been said by some gentlemen, that wheat would not rise after passing this measure to the utmost limit of the importation price; it might be so, but this year he had no doubt that it would. If there was an average of 80s. taken, the best wheat would be sold at 100s. a quarter. On taking up any provincial newspaper, the House would soon be convinced of this. He would appeal to any practical man if, on an average of 80s., the best wheat would not fetch 100s. Was it necessary that the best wheat should be at 100s. to give a protection to the farmer? With regard to the information laid before the House as to the expenses of farmers, he had only to observe, that it was an *ex parte* evidence throughout. No cross-questions were put to the witnesses; nothing could be more unsatisfactory, or more fallacious, than the statements of the expense of growing an acre of wheat. So much was stated for fetching in the corn, and so much for taking it out. This was not the way that farmers went to work in paying for their labour: they might as well say they took it in hackney-coaches: they found the story answered their purpose, and that it was believed by those to whom they told it. The farmers were a prudent and a cautious people, and knew their business. This was their business, their trade; and he did not blame them, when they found people willing to believe them to make such statements. It was natural for them to wish to make the best bargain, and to get the greatest profit they could; and with this view it was not likely they would be much disposed in any statement before their landlords to exaggerate their profits, or under-rate their expenses. He should be very sorry if any farmer of his



acquaintance were to be duped by such a statement.

The situation of Ireland formed, assuredly, an important consideration in this question, and above all, in matters of this nature, it was most fit that it should be considered an integral part of the empire, for which the House was legislating. If in making up his mind, one thing more than another had had weight, it was the effect the measure was calculated to have upon the sister kingdom. But to those who were so anxious to give Ireland protection, he would put one question: could not the agriculturists there grow their corn at a cheaper rate than the farmers in England? The taxes there were much lower: they had no poor rates, no land tax, no property tax; and with respect to labour, three men in Ireland could be paid with the same sum that would be given to one man in England. A noble lord (Binning), who had so ably argued last night, had made all his calculations upon the Scotch land and English expenses; knowing that the son of a peer of Scotland was not allowed to sit for a Scotch borough, he had felt it a matter of duty, although he took the part of his native soil, not to forget that he was an English representative. Several causes had operated against the farmers, amongst others, the intricate conduct of the millers; in his own neighbourhood they were the great purchasers of grain; but in making their returns to the inspector they always, by some singular accident, forgot to state the value of any inferior samples they had bought, while the returned price of grain was kept up unfairly, by their scrupulous accuracy in mentioning the highest price of the finest wheats they had purchased. This circumstance had tended to mislead those who had calculated the average, and his opinion was, that 72s. would be the fairer price to be named, allowing 9s. per bushel; the present price was 65s. and allowing 7s. per quarter in addition, he thought would answer every purpose that the most sanguine supporters of the measure could expect. To the Irish growers it would afford advantages beyond those that were enjoyed by this country. He was anxious that in any vote upon this subject that the House should be unanimous, since the operation of such a resolution in the country would be much more advantageous, and tend to convince all classes that their interests had been duly and anxiously consulted. He lamented that the other expe-

riment had not first been tried, since the recent shutting of the ports would be attributed to the contemplation of the propositions now upon the table. There were many members in the House who, like him, owed their daily bread to farmers. That he depended entirely upon his rents he fairly acknowledged; but he hoped that this circumstance did not interfere with the discharge of his parliamentary duty to the people of England, and he was convinced that other members would feel themselves equally bound to act upon public principle and not upon private interest. He heard it said amongst the public, that the House was too landed. This objection had never been made before; but he thought that there were other interests sufficiently powerful in parliament, to check any attempt which the landed interest might make to obtain an undue influence. He recommended unanimity to the House. The candour and temper with which the discussions had hitherto been carried on, would do great credit to parliament, and great good to the community. Should the measure be duly considered and progressively introduced, its effect would be more satisfactory. The people were not ignorant of the distresses of the farmers, and their opinion had lately undergone a great alteration. The tradesmen in country towns had begun to feel that since farmers had less money to spend, they themselves had less to receive. This led them to enquire into the cause of the farmers want of means, and to wish that some relief should be granted them. He concluded by recommending that the resolutions should be modified as he had mentioned. If, he said, the House proceeded in a slow, considerate, and dispassionate manner, he had no doubt but the conclusion of their deliberations would be highly satisfactory to the country at large. Above all, he wished them to pay attention to the wants and necessities of the middling and lower orders of the community.

Sir N. Colclough observed, that although it should ever be the great object of his public exertions to support the best interests of Ireland, and however desirous he should be to have those interests considered with the most anxious attention, still he thought that in every question of moment no separate interests ought to weigh against the more urgent claims of the entire empire. In the present question, he was happy to find them perfectly united. He.

could not conceive on what ground of national policy, the 'hon. member who spoke last should refuse to Ireland an equally protecting duty with England; if, indeed, any difference should be made, the advantage ought to be given to Ireland, labouring as she was under the want of a sufficient capital. The agriculture of Ireland should be encouraged, as being conducive to the general prosperity, and not exposed to an unjust competition with foreign growers, injurious in a serious degree even to our artisans and manufacturers. He could not believe that the effect of the proposed resolutions would be an increase in the price of bread; for if he had entertained such an idea, he could not, as the representative of a populous and commercial city, support the measure. The temporary expedients proposed by some members, were not an effectual remedy; but a specious guise, concealing an ultimate misfortune, inducing the landholder to expend his capital at present, and deceiving him by the show of protection, while it insured the certainty of his future ruin. He trusted the House would, on this occasion, give, by its firmness, a proof to all the world, that it was determined to afford protection to agriculture.

Mr. Protheroe congratulated the House on the good temper, wisdom, and moderation, with which the question had this year been discussed: he had feared, that the weight of government influence would have been employed to turn the scale against the real merits of the question; but the subject had been introduced by the right hon. gentleman in a way that removed all apprehension of that kind. His opinions were certainly decidedly opposed to the measure proposed, although he was not at all surprised at the opinion that seemed to prevail in the House; he was not more surprised that the resolution should have been opposed. Charity began at home, and every man was naturally anxious to support the system by which his own peculiar interests were promoted. It was not his intention to draw invidious distinctions; but it might fairly be said that the land-owner and land-holder, were much benefited by the removal of the property tax, while many of the supplies necessary in consequence of its repeal were taken almost exclusively out of the pocket of the manufacturer and merchant. He admitted that the farmers might labour under temporary distress, and he felt for their situation; but he was persuaded that the

remedy was out of the reach and province of the legislature. If it came to that alternative, he should certainly vote in favour of 72s. the lowest price that had been mentioned, as being the lesser evil.

Sir John Stewart felt assured, that whatever regulations the House might adopt, his countrymen in Ireland would be well satisfied. It gave him sincere pleasure to see the two kingdoms, who had often had subjects of dispute, once more hand in hand co-operating for the same end. At a time when a party of sovereigns at Vienna, with the map of Europe before them, with unhallowed fingers were carving out kingdoms which they were themselves to appropriate; while they were augmenting their subjects and increasing their warlike means in every way; while Saxony was dismembered to gratify one potentate, and Poland was appropriated to satiate the ambition of another, under the exploded pretext of fraternization, it behoved this empire to look well to her own security, and by making herself independent of foreign aid, either for provisions or for soldiers, to prepare against any war into which we might, not long hence, be driven. He did not mean to hold out any gloomy prospects, but assuredly the conduct of our late allies was not such as to justify calculations on a protracted state of tranquillity. The chief resource of every country was its agriculture; in proportion as that was improved, population was found to increase; and if due encouragement were given, instead of 18 millions, Great Britain might in a short time have to number 28 millions of inhabitants—not slaves bought, sold, and exchanged, but freemen, attached to the soil that gave them birth, and insured them plenty and prosperity. After adverting to the reverse of the picture, he called the attention of the committee to the relative situation of Great Britain and Ireland with respect to the intercourse carried on between them, the latter paying in corn for the manufactures she obtained from the former, affording to each other the most material support. If the agriculture of the sister kingdom were discouraged, she would no longer be able to supply England with grain, and having no other produce, would be unable to purchase our manufactures now exported to the extent of two millions and a half. Ireland had been the nursery for the soldiers and sailors that had fought our battles, and the garden that had furnished us with subsistence during the struggle.

Mr. *Morritt* recommended, that in arguing this question, or any other, general principles should not be lost sight of. The most important consideration was unquestionably that of labour, regarding which, much had been said in the petitions, and a strong feeling certainly existed out of doors; but it seemed to be forgotten, that the price of labour would be governed by the price of corn, and that whether it were high or low, was a matter of indifference to the peasant, provided his wages bore the same proportion to it. He observed that it was of the utmost importance, even to the manufacturer, that the agriculturists should be supported, for the decline of the home trade would far outweigh any advantage to be derived from the foreign consumers. The farmers were loaded with the charge of the ecclesiastical establishment—the support of the poor, which had been of late years much increasing—and of the roads, which were of so much benefit to the commerce of the interior. How could it be said, then, that there was a freedom of trade, if the agriculturists were subjected to so many burthens without countervailing advantages? The House should consider whether they would abandon the proposed measure in acquiescence to the clamours raised against it, or persevere in a line of conduct which they could fairly say, at least, had not impoverished the country; but, on the contrary, had prevented us from depending on foreign nations for the supply of our most necessary wants. It had been said that Buonaparté, with all his efforts, was not able to prevent the importation of corn into this country; but though he had not prohibited the importation, he had changed the prohibition into a tribute. The House might not now apprehend the renewal of that prohibition which had been endeavoured to be put in execution; but if the country did not grow corn enough for herself, could she always depend on those nations from which she had been accustomed to draw her supplies? Could the north of Europe, France, and America, be relied on? Was there no danger in depending on the governments of foreign nations? We had hitherto been able to maintain our maritime superiority. But were we sure of being always able to preserve that superiority? If we should lose it, and those countries from which we have been in the habit of drawing our subsistence should be under the control of our enemy, what would be our condi-

tion? He thought it better that the price at which importation should be prohibited should rather be too large than too small, as an inadequate standard might be of incalculable evil, whilst a higher nominal price would sooner lower the actual price by forcing capital into the branch of industry in question. He should accordingly support the original resolutions.

Sir *William Curtis* thought that any one would be led to suppose from the arguments of many gentlemen, that the corn trade had never before been under any restrictions. There was no greater proof that it was always the intention of the law to protect the farmers, than that the existing law protected them to 68s. per quarter. As that Act was now in operation, and the ports were shut against importation, he should wish to try the effect of the existing law before any alterations were made on it. He thought it appeared to be pretty generally agreed that some price or other must be fixed as a remunerating price to the farmer. That which was fixed in 1804, he was convinced was not sufficient now. He conceived, however, that 80s. was too high a price to fix, and that 72s. would be amply sufficient.

Sir *Egerton Brydges* supported the resolutions. He said, he considered that the depression of agriculture would be as injurious to the manufacturer as to the farmer. Who would buy the manufacturers articles, if the landed interest were not able to purchase? The depression of agriculture would be the diminution of the price of those articles. If any one branch of the wealth of nations ought to be encouraged more than another, it was agriculture. It was that on which all depended. It differed from every other source of prosperity, as it was the first necessary. Even were foreign countries able to supply us, we ought not to depend on them. We knew that agriculture had increased our population. Ask the manufacturer himself what was to become of that increased population, if agriculture was depressed. Even should some inconveniences threaten to result from the encouragement of agriculture by keeping up a sufficient price for corn, we ought to run the risk of less evils in order to avoid so great an evil as the decrease of our agricultural population.

Mr. *Lockhart* wished to call the attention of the House to one of the arguments made use of by those gentlemen who opposed the original resolutions. They

asserted, that the only consequence which could result from adopting their plans would be, the throwing out of cultivation a quantity of poor land, and they seemed to think, that this would not be an undesirable thing; because they conceived it was better that capital should be withdrawn from that channel, to be applied to a more profitable purpose. Now, with respect to removing capital from land, it was impossible. The money once laid out in improving land was sunk in it, and could not be recalled. You might, undoubtedly, refrain from sinking any farther sums in its cultivation; but to talk of withdrawing capital from it, was to apply a mere mercantile idea, where the governing principles were entirely dissimilar. He should be glad to know what was meant by the term 'poor land?' Did it apply to clayey, sandy, chalky, or gravelly soils? These soils, it should be observed, produced a great deal of sustenance for the country. If these soils were to be taken out of cultivation, where, he would ask, were they to procure provisions for those who were now fed by them, who were employed in tilling them, and who, if they were given up, would be thrown out of employment? It was clear that they must be fed from the products of that land which was sufficiently rich to grow corn without a very expensive system of agriculture. Would not this raise the price of corn produced on those fine soils? And would not the poor-rates, which the bad soils hitherto helped to defray, be thrown entirely on those of a different description? A private interest seemed too much to be pursued in considering this question. Many, to save a paltry penny in the price of the quartern loaf, would abandon the interest of the landholder, and with it his own ultimate interest. Let the House, for instance, look to the stock-holder. He certainly had *jus in rem*, but he had not *jus in re*. Who paid the dividends which he received? Beyond a doubt the land-owners. He meant not to overlook, or to depreciate that which was derived from commerce. But let the rent of the land-owner cease, and where, he would like to know, were the dividends to come from? Those who, conceiving they might suffer a trifling loss from the adoption of the resolutions now before the House, thought fit to oppose them, were, he was satisfied, overlooking interests of major importance; and they would ultimately find, if they

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refused to grant to agriculture a fair and just protection, that their fortunes were placed on a mere ideal and visionary basis. After the most mature consideration he was able to give the subject, he fully agreed in the propriety of the resolutions.

Lord Compton supported the resolutions. He observed, that unless a drawback was allowed on corn exported from this country equal to the taxes paid by the grower, the export could not be said to be free. So if corn imported was not subjected to duties equivalent to the taxes paid by our farmers, these persons were exposed to an unfair competition. It was said that the foreign grower was also taxed. This was true, but by not taxing corn imported, they allowed the foreign growers to raise imposts on this country. If encouragement was given to manufactures, however detrimental to the health, morals, and happiness of our population, he could conceive no reason why a similar protection should be refused to agriculture.

Mr. J. P. Grant rose to state the reasons which induced him to support the resolutions introduced by the right hon. gentleman, and to oppose the amendment. He could not but congratulate the committee on the support which the resolutions had received from his Majesty's ministers; and also on the change of opinion which was observable in several gentlemen since the question was last discussed, particularly in the alteration which appeared in the sentiments of an hon. gentleman (Mr. Finlay), who represented one of the largest manufacturing cities which returned a member to that House. If he thought the adoption of this measure would have the effect of raising the price of grain, no consideration on earth should induce him to give it his support. But it was precisely because he was of opinion, that an enactment of this kind was necessary to keep down the price of grain, that he should vote for the resolutions. He had listened with great attention to every thing that had been said against those resolutions, and particularly to what had fallen from the hon. gentleman who moved the amendment; and, he confessed, he could not find a single argument that appeared to be warranted, either by the principles that ought to govern this question, or by the state of the facts. They had been told, and all the arguments against the resolutions proceeded on the same assumption, that they were about to raise the price of bread-corn; that, by so doing, they would

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raise the price of labour; and that the consequence would be an increase of the price of manufactures, which would prevent British goods from entering, with any prospect of success, the foreign market. They had also been told, that it would be advantageous for this country to draw its supply of grain from foreign ports, in order to support our manufacturing superiority; and that it was most important to leave trade, and the employment of capital, perfectly free. He hoped to shew, that those who supported the resolutions were as much impressed with the necessity of leaving free the employment of capital, as the gentlemen who spoke on the other side of the question. Under the circumstances of the country, he was of opinion, that a restriction on the importation of grain, and the giving to the grower, what was not very accurately termed 'a monopoly of the home market,' were the only true means of lowering the price of corn. This position could, he conceived, be proved, by a reference to facts; leaving aside that theory by which so many persons had been led astray. They had, in the tracts on the corn laws, a connected history of the prices of grain, from the commencement of the reign of James I. And, in applying them to the present case, lest it might be supposed that temporary circumstances had affected them, he had taken his data on long periods:—

Middling Wheat per Quarter.  
Average Price.

For 11 years, ending 1605....	£. 1 12 10
20 ..... 1625...	1 14 1
20 ..... 1645...	1 19 1
20 ..... 1665...	2 4 4

Here it was evident, that during this period, when the trade was open, the price of wheat had risen from 1*l.* 12*s.* 10*d.* to 2*l.* 4*s.* 4*d.*—more than one-third. Then came the Act of Charles, which protected the home grower of corn. Under this Act, the average price of corn for 20 years, from 1665 to 1685, was 1*l.* 16*s.* 7*d.* instead of 2*l.* 4*s.* 4*d.* It continued to fall till the year 1764; and it was a very curious circumstance, that the average of 20 years preceding the last-mentioned period, was only 1*l.* 11*s.* 8*d.* per quarter, being considerably below the average of 20 years, ending with the 4th of James I, notwithstanding the depreciation in the value of money. It was said, that the increased price of corn arose from the increased population, and from the increase of wealth in the country. But,

surely, no one could argue, that from the time of Charles 2, up to the year 1764, the country had stood still in those respects; and yet it was very clearly proved, that whatever might have been the increase of the population, or the augmentation of wealth, the price of grain had decreased, during that period, under the corn laws. In 1764, the corn laws were abolished, and the average price of the quarter of corn stood thus:—For 20 years ending 1784, 2*l.* 4*s.* 6*d.*: For 20 years ending 1804, 2*l.* 19*s.* 6*d.* Thus, they found, that an increase in the price of wheat took place in the reign of James I, when no restriction existed. The corn laws introduced in the reign of Charles 2, which protected the grower, operated for 100 years, to diminish the price. This system was abandoned in 1764, and the consequence was, that a very great increase of price was occasioned. He would only request of gentlemen to point out some other way in which this effect was produced. Till that was done, he should remain of opinion, that the moderate average was the consequence of wholesome laws, and that the high rate of corn was occasioned by the want of proper protection for the agricultural interest. Much had been said about making this an exporting country. Now, he would state, that England became an exporting country in 1705, and continued so, under the Act of Charles the 2nd, until 1764, when that Act was repealed, and she ceased to export. In the 20 years preceding 1764, 350,000 quarters of corn were exported, on an average; since that period we had been obliged to import. Thus it appeared, from experience, that the regular operation of laws which secured the home-market to the grower, had rendered the price of corn cheaper, and had also enabled us to send grain abroad.—The hon. gentleman then proceeded to argue, in answer to those who reprobated the forcing capital, by a bounty, to be employed in channels to which it would not otherwise find its way, that the sacrifice of a little wealth, either where national security or national sustenance demanded it, was, in fact, highly politic; and in support of this opinion, he quoted Dr. Adam Smith. He perfectly agreed with him, that where the security of a country was concerned, it was proper to give up wealth to secure safety—and, in the same manner, where the sustenance of the people was at stake, it was true policy

to give up money to obtain food. The forcing capital from one line of industry into another might be injudicious, might be productive of loss to the community; but it could not at all events have the effect of making the article dearer, which it was the object of that line of industry to produce. They had an example in the case of iron. Great duties had been imposed on the import of this article. The consequence was, that iron was now more plentiful in this country than when we had been dependent on foreign nations for that commodity. Now, in so important an article as bread, was it not worth while to lose a little for a time, in order to be hereafter independent of other countries? By Adam Smith, who was so much looked up to on the subject, two cases were stated in which it would be advisable to lay burthens on the competition of foreigners. The first was for the defence of the country, and he instanced the Navigation Act. According to the arguments of the opposers of the Resolutions, the country was a loser by the Navigation Act, and had better have been supplied with freights by foreigners. But if in that case it had been thought proper to sacrifice wealth for safety, we should now sacrifice it for food. He did not fear a continual inundation of foreign corn; but the mischief was, that by interfering with the market, the foreign growers prevented our farmers from stretching the productiveness of the land to the utmost, and when the pinch came, they would not be able to supply us. The next case in which Adam Smith thought restraints should be imposed on foreign competition was, where a tax was imposed on the production of the commodity at home. In this condition was the agriculture. It was the same thing whether a positive tax was imposed on the production of a commodity, or whether it was excluded from benefits enjoyed by other branches of industry. Capital also employed in agriculture was subject to many imposts, from which that employed in other lines was exempted. In the way of exclusion from benefits, agriculture was, in comparison with other branches of industry, most disadvantageously circumstanced, or it might be said most heavily taxed. For such were the duties imposed on the importation of foreign goods of most kinds, that they amounted to an absolute exclusion of competition in favour of our manufac-

turers. For example, woollen cloths imported, paid 100*l.* per cent., cotton goods 85*l.* 10*s.* per cent., glass 114*l.* per cent., brass and copper goods 59*l.* per cent., earthenware 79*l.* per cent., dressed leather 142*l.* per cent. gold and silver goods 80*l.*, gilt ware 100*l.*, &c. &c. Why, then, was capital employed in agriculture to be subject to such a disadvantage as to be excluded from that protection which the laws afforded to capital employed in all other branches of industry? It was said by some, that this system of protection and exclusion was a bad system. But the system was formed, and it was not proposed to destroy it. And it was necessary to support the impolicy (if it was such) of the legislature, by rendering it uniform, because if any one branch was made an exception, the consequence must be ruinous to it; and if agriculture was the branch in question, the consequence was ruinous to the whole community. Countervailing duties were clearly necessary to the amount of the internal taxation, in the case of agriculture, as much as in other cases. As to the price of 80*s.* which was fixed by the Resolutions, it had no more to do with the ordinary price of grain than of any thing else. The price would depend on the supply, which would depend on the capital applied to produce it. The price 80*s.* was the scarcity price; the price at which when the crop was not equal to the consumption, the foreign grower would supply the deficiency of the year. The Resolutions insured to the country that in an ordinary year the price would be much below that price. Such, he conceived, would be the operation of the measures proposed; the price of grain would be lowered, and the country would at the same time be independent in ordinary years, whilst in years of scarcity the deficiency would be supplied from abroad; but if the event was otherwise, the parliament would have it in its power to correct the evil.

Mr. Horner began by stating, that he should not pay much attention to the calculations on either side. From the manner in which the question was opened, he had no hesitation in saying, that the right hon. gentleman (Mr. Robinson) had manifested a more statesman-like mind than any of those by whom his propositions were supported; for that right hon. gentleman had fully recognized the great principles, which, according to the highest authorities, ought to regulate our com-

mercial policy, admitting that a case of necessity should be made out for any deviation from those principles, and that the House had only to balance between difficulties—between the nature of the necessity, and the deference that was due to the great radical principle of a free trade. That this principle was entitled to respect, was not, he maintained, the opinion of what were denominated mere modern speculatists, but of the soundest thinkers upon commercial policy, aided by the experience of practical men, who most naturally deemed the success of agriculture as the main basis of commercial prosperity. Those, then, who concurred with such thinkers, could not be regarded as theorists only, nor were they fairly liable to the attempts made to depreciate their judgment. He was indeed surprised at these attempts, as if the denomination of 'political economists' could detract from the authority of any gentleman who opposed the measure before the committee. But who were they who resorted to nick-names upon this occasion? Why, the very men who admitted that the knowledge of political economy required deep reading, and that what appeared paradoxes to superficial observers, were, upon further investigation, proved to be just and rational views. Those, indeed, who used the nick-name alluded to, endeavoured themselves, by the leger-de-main of figures, and a complication of details, to confer a rational character upon a proposition which had all the complexion of a paradox—which, in fact, appeared utterly irreconcilable with reason. But in reviewing these extravagancies, he was glad to find that the report of the committee of that House was not disfigured by such observations as appeared in the report of the other House of Parliament; for in the latter he was really astonished to find these statements:—first, that the price of provisions had truly nothing to do with the price of labour; and, secondly, that the amount of rents had no material influence upon the charges of agriculture. But there was another theory, still more extraordinary, from the advocates of the proposition before the committee, and which, he believed, had never been broached since the days of Cromwell; namely, that the land did not really belong to the proprietors, but to the community.—Nay, in addition to these strange doctrines, an hon. friend of his (Mr. Preston), who was among those by whom

theorists had been decried, had that day sent him the tract of the marquis de Mirabeau upon Political Economy, which he had alluded to in his speech, calculating, no doubt, that it would serve to produce an impression upon his mind: but his hon. friend was under a serious mistake as to the nature of that celebrated writer's opinion. For the marquis de Mirabeau belonged to that class of economists who maintained quite an opposite doctrine to that of the hon. gentleman; and also that all the taxes necessary to the support of the state, should be drawn directly from the land.

But as to political economy generally, upon what ground could gentlemen pretend to depreciate its character, unless they meant to deprecate the exercise of reasoning upon the subject under the consideration of the committee? However, in consistency with their system of depreciation, as to political economy, they had thought proper to treat with levity the treatise of Dr. Adam Smith, which was in fact but a collection or digest of maxims, which, instead of being any innovation, had long been held sacred among the best writers this country had ever known. But it was also well known, that the opinions contained in the work of Dr. Adam Smith were, after full examination, recommended by the sanction of our most distinguished statesmen,—by Mr. Pitt for instance, and also by Mr. Burke, who traced the history of Dr. Smith's opinions, demonstrating that those opinions, instead of being, as some alleged, mere plagiarisms from those of the French economists, were the original growth of our own country, from which they had been borrowed by the economists of France. The justice, however, of Dr. Smith's great principles was recognized by the statesman-like view of the right hon. opener of this question, who had not given the weight of his authority to the untenable proposition, that because the manufacturers enjoyed some protecting duties, the agriculturists were entitled to the measure he proposed, which was a kind of *argumentum ad hominem*. Still less did the right hon. gentleman manifest any disposition to support the assertion, that the agriculturists suffered by the protecting duties granted to the manufacturers; and in what instance, he would ask, could the British agriculturists be conceived so to suffer? From what country could they obtain any article of manufacture necessary for their

consumption, at a cheaper rate than they could purchase it at home, supposing trade perfectly free, and that protecting duties, as to manufactures, were totally done away? Could coarse woollen cloths, for instance, be purchased cheaper any where than in England? or could any other article be had on better terms elsewhere? The only article, indeed, which could be supposed cheaper elsewhere was linen, which was the manufacture of Ireland. For himself, however, he had no difficulty in declaring, that all the protecting duties (as they were called) at present in existence in this country, were but so many clogs and impediments to our commercial prosperity; and that, whatever might be the gain, which must be partial and comparatively insignificant, derived probably to the most insignificant in trade, the effect of the whole system must be, that the produce of our natural wealth was considerably diminished.

But, reverting to the main question, and bearing in mind the grounds stated by the right hon. opener, he maintained that no necessity was made out for any departure from the main principles of trade, to the justice of which that right hon. gentleman bore testimony. If the proposition before the committee were merely a temporary measure, to relieve any temporary pressure upon the farmers, he confessed that he should have felt much more difficulty in opposing it; but, as a measure of permanent legislation, he could not hesitate to enter his protest against it. Sympathy for the suffering of individuals would naturally dispose one to plead for the former; but every consideration of sound national policy, which he was able to appreciate, urged him to resist the latter. But the object of granting temporary relief to individual distress, had been disclaimed by the advocates for the proposition before the committee, who thought proper to rest their pretensions upon considerations of permanent policy; and here he was at issue with them. He was aware of the distress of the agriculturists under existing circumstances, and he had all due feeling for their situation; but, then, he recollected the cause of that situation, which recollection was necessary to a due estimate of the policy of this measure. The present distress of the agriculturists was owing to the great stimulus which the circumstances of the war had given to agriculture; which stimulus was now withdrawn. The operation of that stimulus,

which offered a strong proof of the prosperity and health of our commercial system, encouraged the farmers to offer exorbitant rents for land, and also to lay out large sums upon that land; they must naturally suffer by the cessation of such a stimulus. They had, in fact, been too sanguine in their speculations, and hence the losses of which they now complained. But the farmers were not the only persons who suffered from too extensive speculations. Such sufferings, also, too frequently happened in every branch of trade, and did it therefore follow that an application should be made to parliament to repair the loss? It would, indeed, be impossible for parliament to make good such losses; and it would be unjust to make an attempt to withdraw from the profits of other classes of the community, to repair the losses sustained by any class of unsuccessful speculators.

But, in considering the case of the agriculturists (as an exception was demanded in their favour), in looking at their present difficulties or losses, the House was called upon, in justice, to look also to the cause of that loss, which naturally brought into view their antecedent profits. The most interesting distress among the farmers—that which in his mind was most entitled to commiseration, was certainly the case of the agriculturists of Ireland: but that case also was the result of the artificial stimulus given to Irish agriculture by the peculiar circumstances of the war. No one, he believed, felt a more lively concern for the interest of Ireland than that of which he was sensible, and which should always regulate his conduct, as he thought it must the mind of every man who duly appreciated the general interests of the empire. He was therefore happy to witness the pregnant proof which the present situation of Ireland afforded of its advancing prosperity. For that situation served, in his view, to demonstrate that its commercial enterprise had of late years been considerably exerted, and that a great quantity of capital had been employed in that most useful branch of industry, its agricultural pursuits. Ireland had therefore experienced a check from the conclusion of peace—[a smile on the other side of the House]. Gentlemen might smile, he said, but he would maintain that this check afforded a proof of the advanced prosperity of Ireland. For the present was notoriously the first instance on record in the history of Ireland in which that country



had experienced any check in its domestic circumstances from the conclusion of peace by the mother country; and this check he regarded as an evidence that it partook of our prosperity, the interruption of which naturally occasioned a participation of our losses. Then, as to the disadvantage resulting to the lands lately applied to tillage in this country, upon which a large sum must have been expended, he was fully aware that that disadvantage was entitled to consideration. This disadvantage must be universally regretted. But what relief could be expected by the sufferers from the proposed measure, especially if it were true, as the advocates of this measure alleged, that the effect of it must be to reduce the price of corn? According to the deposition of witnesses before the committee, 96s. per quarter was necessary to enable farmers to grow that article; nay, according to the allegation of some gentlemen, less than 135s. would be insufficient; and how then, in the name of common sense, could the sum be deemed an adequate remuneration for this species of culture? or still more, how could the proposed regulation operate to reduce the price of corn? How, indeed, could gentlemen who supported these depositions and allegations, plead for a measure so self-destructive as the present? The light lands, or those lately devoted to agriculture, must still suffer all the distress that was deprecated, especially through the competition of the more fertile soil of Ireland, and the richer lands of this country; and the result must still be to throw those light lands out of cultivation.

With respect to our independence of foreign supply, he was ready to admit, that if a dependence upon foreign supply were likely to be the result of the existing system, that likelihood would form a legitimate ground for the proposed measure. And here the hon. and learned gentleman took notice of the exception of Dr. Smith with regard to our navigation law, which exception referred to a provision for our national safety, which was, in all cases, a predominant consideration. But, returning to the apprehension of our dependence upon a foreign supply of corn, the hon. and learned member treated that apprehension as quite exaggerated and visionary. Indeed it had been, he observed, most tenaciously maintained by the advocates for this apprehension, that it would be impossible for the whole navy of England to import any very large proportion, much

less an adequate supply of corn, for our subsistence. This, however, these gentlemen seemed to feel an admission hostile to their own proposition; and therefore, in order to take off the weight of such admission, they asserted that even a small quantity of imported corn would have a material effect upon the market price. This, however, he could not admit. A comparatively small quantity of imported corn might affect the market price upon a particular day, or for a few days; but the price must ultimately and permanently depend upon the proportion of the supply to the demand, and the proportion of supply from abroad, was in no degree likely to be considerable. But supposing the supply to be even considerable, the apprehensions expressed on this subject were still, in his mind, exceedingly exaggerated and fallacious; nor was it even probable that we should have to depend upon foreign supply to such an extent as to endanger the interests of our own agriculture. A great deal of this apprehension had been propagated, which was negatived by the papers on the table, especially with regard to the supply derived from what was called our natural enemy. He would readily admit, that if it could be rendered apparent, that in any event we should have to depend upon France for food, a protecting duty, as it was termed, should be immediately granted to avert such a calamity; and to this grant he would accede, not from any commercial jealousy, which he should always deprecate, but from political jealousy, to which it would, in such a case, be our duty to attend. But what was the fact? Was France a corn-exporting country? Did it not appear from the papers on the table that our great import of corn had been not from France, but from Holland and from Belgium, the sovereign of which was of our own creation? Thus we derived a supply of corn, not from a natural enemy, as France was denominated, but from our own probably permanent ally. But France could never be regarded as a great exporting country of corn. If she were, it would be a proof of her impoverishment; for no rich country was ever a great exporter of corn. No; the poor country was always the exporter of that article to the rich, for which she received manufactures in return. France had, in fact, become for the last year an exporter of corn, in consequence of an extremely redundant harvest, and from the same cause she was

an exporter in the year 1810. But France could never be expected to rival this country in agriculture; for from every information that had reached us, her system of agriculture was exceedingly inferior to our own, while her grain was also materially inferior in quality. How, then, could it be apprehended that we should have to depend upon that nation for supply in any event, especially when we had to look not only to Holland as a medium for furnishing the produce of the banks of the Rhine, but to Flanders, to the Baltic, to Poland, and to America also? With a peace, indeed, so consolidated, as the gentlemen on the other side promised, he thought all apprehension on this score quite visionary. But even calculating upon the renewal of war, or the re-appearance of some extravagant tyrant, who, with a combination of all the powers of Europe, should speculate upon our total exclusion from continental commerce, he should still think such an apprehension groundless. For it was notorious from experience, that even when the experiment of this exclusion was made, namely from 1810 to 1812, a larger importation had taken place into this country, especially from France, than was ever known within the same compass at any former period.—The apprehension, then, of depriving this country of foreign supply must, under any circumstances, be regarded as totally chimerical—[hear!]. As to a provision to guard against fluctuation of prices, which the advocates of the measure before the committee promised, the hon. member stated, that for the last seven years, when our importation of corn was greater than at any former period, the fluctuation was much less than during any period of the same duration since the Revolution, and this fact he had ascertained by examining the Eton tables. Within the last seven years, too, it was notorious that our agriculture had been in the most flourishing state, much more flourishing, indeed, than when it was most the fashion to grant bounties upon the export, and to impose restrictions upon the import of corn. So much as to the pretence of a steady price, which was looked for by some gentlemen as the result of the proposed measure. In his opinion, however, the best security for a steady price—that is, for a fair price to the consumer, was not a measure the witnesses adduced to support which deposed that 80s. or even 96s. was necessary to enable the farmer to grow corn, while its

advocates argued that its tendency would be to reduce the price of that article, but to leave the dealer in corn subject to this impression, that if he raised his price to an undue rate, corn would be imported. This impression, he conceived, and common sense would sanction the conception, would be the best means of keeping corn at a fair price, and correcting all excesses. On these grounds he felt himself called upon by an imperious sense of duty to resist the proposition before the committee, more especially as no ground of necessity was shewn to support it, and as all the arguments adduced in its favour appeared to him utterly fallacious. At the same time he begged it to be understood, that he was most anxious for the interest of agriculture, which he conceived essentially important to our domestic trade, compared to which indeed he regarded every other branch of trade as nugatory. But the proposition before the committee was in his view materially adverse to that interest.

Having said thus much as to agriculture, the hon. and learned member thought it proper, as connected with this subject, to advert shortly to the state of our manufactures, the condition of our labourers in husbandry, and the nature of our finances. As to the first of these, namely, our manufactures, he would ask, was it necessary at this moment to enhance the price of our manufactured articles? The necessary requisites to enable us to preserve our superiority in our manufactures were two, capital and skill. These were not necessarily domiciled in this country; but might, like any of the other goods of fortune, take to themselves wings and fly away: and it was no unfair or unreasonable thing to conjecture, that if to the difficulties under which our manufactures now laboured, were added the proposed regulations as to the price of corn, those would be speedily followed by a departure from this country of the capital and skill which had hitherto given life to our manufactures, seeing we were about in the same breath to multiply the taxes on our manufactures, and to increase the price of corn. The second point to which he had referred, was the condition of labourers engaged in the affairs of husbandry. This, he agreed, did not depend on any defect in the system itself, but on the poor laws, and the mal-administration of them, by which part of the wages of the agricultural labourers was in some districts paid out of

the poor-rates. There could, he thought, be no difficulty in framing a law to reach this subject; but certain gentlemen thought it more meritorious to pay such labourers out of the poor-rates, than to suffer an advance of wages to take place; and the very same persons who were outbidding each other in the purchase of leases of lands, seemed the most mis-giving as to the price of labour. It was the high price of corn which had produced this, and would continue it. There was no other way of liberating our peasantry from a state of villinage than by restraining the price of corn. What could be more degrading than that a man in the vigour of healthful labour should receive the allowance of a pauper? It reduced our free labourers to a state of bondage; and this enormous mischief the present measure had the strongest tendency to increase. The third point to which he had alluded, was that of our financial arrangements. The price of the necessities of life must either enter into consideration in all the arrangements of government, or of the greater part of them. It might be asked, How would you pay the dividends on the national debt unless you were to keep the rate of provisions high? To this he could only say, that it was true the country had raised large sums at a diminished rate, and that they would have to pay them at a higher rate on account of the artificial state of their money; but was any man hardy enough to say that that artificial state ought to be kept up? If so, that man must be guilty of a continual fraud on those great creditors of the country on whom this deceit had originally been practised. Observe, then, what was our situation. With exhausted manufactures—with a debt accumulating out of all proportion—and with our labourers paid out of our poor-rates, were we still to lengthen out this artificial mode of proceeding? The man who could look such a situation in the face, had stronger nerves than he had. The best course, according to his idea, was to do nothing. Eighty shillings per quarter was a *minimum* which, he was satisfied, even from the evidence before the committee, it was not necessary to fix; but the *minimum* might have been safely fixed at a much smaller sum.

Mr. Huskisson felt it impossible to give a silent vote on a question which, it was agreed on all hands, was one in which all classes were interested. It was a subject complicated with every question, arising

out of political economy, which could at any time engage the attention of the statesman; and that such a question should induce a difference of opinion, was not at all surprising. The Report of the committee, with the drawing of which some fault had been found, went only to this, that the surveyors, in their evidence, proved, that for a number of years lands had never been let for less than 10s. per bushel, or 80s. per quarter, a fact which was borne out by the evidence of Mr. Webb, a witness relied upon on the other side. He then proceeded to shew that the Report was not liable to any of the other objections thrown out against it by other hon. members. In adverting to the principle of foreign supply, and the consequences likely to result from it to our native agriculture, the right hon. gentleman put the supposition that the arable land of England were to produce one-fifth less than it now produced. Would not France, in that case, do what Ireland had done? Would not her agriculture receive a stimulus from our demand? There were many who could remember when Ireland was an importing country; yet now, from our encouragement, and that alone, she had become largely an exporting one. An hon. member had said, why not try the experiment, and put other countries in the same condition with respect to ourselves that Ireland was? He would tell the hon. gentleman why that experiment would not do. Ireland was under our control, and other countries were not: besides, did not Ireland receive our manufactures in return, and were we quite sure that other countries would do so? But Ireland was compelled to receive them. France would unquestionably increase her exports, if we afforded her sufficient encouragement, by pouring our capital into the hands of her agriculturists. He could tell the committee that large imports from France had arrived on the southern coast of England, where the markets were so overstocked, that the English farmer could not get a bidding for his grain at any price. He had seen the invoices of those cargoes; and after all the charges of conveyance were added, they could afford to sell the corn so imported under 50s. It had been said that the price of provisions had no influence upon the wages of the labourer; it was a novel theory, and one which scarcely required refutation; for nothing could be more obvious than that in the long run

the one must affect the other. What would be the effect if the agriculture of the country were allowed to fall back, as was recommended by another hon. member? The capital was so amalgamated and incorporated with the general improvement of land, in draining, em-banking, &c. that it was impossible for the agriculturist to withdraw it in the same way as might be done in commercial speculations; the capital so invested, therefore, would be so much national wealth thrown away. Nothing could be more delusive than the opinion that cheapness in the price of provisions was always a benefit. On the contrary, cheapness without a demand for labour was a symptom of distress. The French had cheapness without capital; and it was a proof of progressive decay. An hon. gentleman who spoke on the preceding evening had indulged in some observations upon the greater luxury in which our farmers now lived, and lamented that they sometimes preferred a bottle of wine to a mug of ale. For his own part, he thought the change extremely natural; and that it was the necessary consequence of improved skill, and enlarged profits. Had not the same effects taken place in the commercial world? Did not our merchants now think it desirable to exchange the city for the squares at the west end of the town? And instead of dining at one or two o'clock, with their clerks, as their forefathers did, were they not now to be seen sitting down to a table profuse in its variety of dishes, at six and seven o'clock? But he did not complain that it was so. He honoured the industry, and gloried in the success which occasioned it; and though the comparison might appear invidious, he was driven into it by the equally invidious comparison made by the hon. gentleman. From the whole of the evidence which had been given before both Houses of Parliament, it was clear, in his opinion, that less than 80s. as a protecting price, would not remunerate the farmer; but that at that price he would be remunerated, if properly protected. Nor did he at all anticipate the dangers which seemed to be apprehended, that because 80s. were fixed as the protecting price, corn could never be at a less price, as the experience of the last century abundantly proved that the market price of corn was frequently, nay, almost always below the protecting price. In behalf of the agriculturist, in behalf of the

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manufacturer, in behalf of the public creditor, in behalf of the whole community, he recommended the adoption of his right hon. friend's proposition.

Mr. Baring said, that although he would not withdraw his amendment, he would not inconvenience the committee by pressing it to a division.

Mr. Baring's amendment was then negatived without a division.

Sir M. W. Ridley moved another amendment, namely, to substitute 76s. for 80s. as the price at which the prohibition of importation was to take place.

Mr. Frankland Lewis inquired whether or not it was intended to make any alteration in the mode of taking the averages?

The Chancellor of the Exchequer observed, that if the averages were calculated on the principle of comprehending quantity as well as value, 76s. a quarter would afford the agricultural interest a security as great as they would derive from 80s. in the event of a continuation in the present mode of taking them.

A long conversation ensued on the comparative merit of the two modes of taking the averages, in which Mr. Rose, Mr. Baring, Mr. Robinson, Mr. W. Smith, Sir W. Geary, Mr. F. Lewis, Mr. Alderman Atkins, Mr. Calcraft, the Chancellor of the Exchequer, &c. participated. Mr. Baring, as the question seemed to create great diversity of opinion, moved that the chairman should report progress, and ask leave to sit again. Mr. Whitbread supported this proposition. Mr. Huskisson recommended to the committee to adhere to the old method of taking the average.

Sir M. W. Ridley, understanding that the rate of 80s. according to the present mode of taking the average, would not press more heavily on the consumer than the rate of 76s. if the new mode of taking the average were adopted, withdrew his amendment.

Mr. Protheroe moved, as an amendment, to substitute 76s. for 80s. the mode of taking the average remaining as it was.

The gallery was then cleared for a division; but the committee continued in debate for above an hour, in the course of which Mr. Whitbread recommended, as the channel for communicating their proceedings to the public was closed, that they should adjourn. The question of adjournment was negatived without a division; and on an amendment moved by Mr. Baring, to substitute 72s. for 80s., a divi-

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sion ultimately took place, when the numbers were,

For the Amendment ..... 65

For the original Motion ..... 209

Majority ..... —144

At half past three in the morning, the chairman reported progress, and obtained leave to sit again to-morrow.

## HOUSE OF COMMONS.

*Friday, February 24.*

**GAOL CHAPLAINS' BILL.]** Mr. Hurst moved the order of the day for the second reading of the Bill for providing clergymen to officiate in county gaols.

Mr. Giddy stated, that when the Bill went into a committee, he should move that its provisions be extended to houses of correction and penitentiary houses.

Sir T. Baring adverted to the necessity which existed for providing proper clergymen for penitentiary houses and houses of correction. In those places spiritual assistance was needed as much as in the county gaols; he, therefore, suggested the propriety of withdrawing the present Bill, for the purpose of introducing another, the provisions of which would embrace prisons of the description he had just alluded to.

Mr. Hurst said, he was not aware of the extent of duties which devolved upon clergymen attending houses of correction, and therefore the Bill he had introduced did not go to enact any thing with reference to them. As he was perfectly aware of the fatigue and labour which attended the situation of chaplain to a county gaol, he had drawn up the present Bill, with a view only to that class of persons. He could not, therefore, consent to withdraw his Bill; but, in the committee, he would cheerfully agree to an extension of its provisions, as far as the necessity of the case demanded.

The Bill was then read a second time.

**GLOUCESTER GAOL—PETITION OF JOHN PERRING.]** Sir Samuel Romilly said, he had been requested to present two petitions to the House, the one from a person now imprisoned in Gloucester gaol, the other from a man who had lately been confined there. As the Petition of John Perring, the first-mentioned person, imputed some improper conduct to a magistrate of the county of Gloucester, he thought it right that the House should be acquainted with its con-

tents. The petitioner stated, that he was confined in Newgate, Gloucester, as a debtor of his Majesty; that he had become bail for a man of the name of Grey (who had assaulted Mr. Cunningham, the gaoler), who, having absconded, he became accountable for the sum mentioned in the bail-bond; that the gaoler had taken a great dislike to him, in consequence of his having become bail for this man, and treated him with great severity; that he was not confined in the same place with the debtors, but for 17 days had been placed in solitary confinement; that no person, not even the members of his family, were permitted to see him, except in the presence of one of the turnkeys; that his letters were intercepted and opened; that, being in great distress and misery, he endeavoured to apply, by letter, to a friend for the loan of 5s.; that this letter was stopped, and prevented from reaching the person to whom it was directed; that, in the last session of parliament, a petition on this subject was presented to the House of Lords; in consequence of which some inquiry was made into the facts of the case by a magistrate for the county of Gloucester; that this inquiry did not procure any relief for the petitioner, who was, on the contrary, treated with more severity than before; that his having published, in the Gloucester Newspaper, an advertisement, thanking earl Stanhope, in the name of the persons imprisoned in Gloucester gaol for his interference in their behalf in the House of Lords, which advertisement concluded with a compliment to viscount Sidmouth, was the cause of his having experienced additional severity in his confinement. Having thus stated the principal contents of the Petition, he moved, "That it be now read."

Sir W. Guise observed, that several of the complaints which had been made by the petitioner were found to be, on examination, futile and ridiculous. The regulations of the gaol in question had met with the approbation of several of the justices of assize, as well as of the magistrates of the county. To give the House an opportunity of informing themselves fully on the question, he should move for the Report made to the Secretary of State for the Home department, on the subject of the Gloucester gaol.

The Speaker informed the hon. baronet, that the question immediately before the House must be first disposed of.

Mr. *Bennet* said, he understood that Mr. *Perring* was detained, for the amount of the prison fees, which were 1*l.* 12*s.* and wished to know why some satisfactory inquiry had not been made into the subject.

Mr. *Addington* said, if he had known that his learned friend intended to present this Petition, he would have prepared himself, in order to lay before the House all the information in his power. The fact was, that, in the office to which he belonged, the business was divided between the two under secretaries of state. His colleague conducted the civil, and he attended to the military department. The House would not, therefore, be surprised, that he should be unprepared to answer immediately, since he had not received any previous notice on the subject.

Sir S. *Romilly* did not think it was necessary to have given the right hon. gentleman any notice of his intention to present this Petition, since it merely complained of misconduct on the part of the gaoler, and that no relief was granted, by one of the magistrates of the county, to the person who stated that he was aggrieved.

The Petition was read, and ordered to lie on the table. Sir S. *Romilly* next presented the Petition from William Hudson, after which it was ordered, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions, that there be laid before this House, a copy of the Report made by the reverend Robert Halifax, one of the visiting magistrates of the gaol of Gloucester to lord viscount Sidmouth, one of his Majesty's principal secretaries of state, on the subject of alleged abuses in the said gaol, with a copy of the letter of lord viscount Sidmouth to the gaoler of the said gaol, in consequence of such report.

STATE OF THE CORN LAWS.] Sir *James Shaw* presented a Petition from the lord mayor, aldermen, and livery of London, in Common-hall assembled, praying that the House would reject any measure which tended to lay a duty on the importation of corn. In laying this Petition before the House, the hon. baronet said, it appeared to him, that the effect of the vote of the preceding evening would be, to raise the price of bread beyond what it averaged during the last ten years of war. He would ask the House seriously, whether they were prepared to go to this length? He held in his hand an account, taken

from the regular office, of the average price of the quarter loaf, in London, from the year 1804 to the year 1814. The average price was 14*d.* and a fraction. Now, assuming the average of the quarter of wheat, in England, to be 80*s.* the description of wheat of a quality proper to be manufactured into flour, for the consumption of London, would at least be 95*s.* per quarter. Indeed, from the best information he could obtain, it appeared probable that it would exceed that sum, and rise as high as 100*s.* But, taking it at the former sum, it would bring the price of the quarter loaf to 10*d.* He wished gentlemen to consider this a fair, plain statement of facts, about which there could be no controversy, since the thing was capable of perfect demonstration. By the returns of the Cocket-office for the last ten years, it appeared, that the average price of corn was 88*s.* 5*d.*, of flour 91*s.* 5½*d.*, and of the quarter loaf, 14*d.* If the protecting price were raised to 80*s.*, it was clear that fine grain would fetch at least 95*s.*, and thus the price of bread would be higher than it was in the ten last years of war.

Lord *Ossulston* said, that 80*s.* being the *maximum*, the moment corn arrived at that price, importation would be permitted.

Mr. *Baring* observed, that if the statement of the noble lord were correct, then the limitation was entirely useless.

Mr. Alderman *Atkins* said, that if the protecting price were fixed at an average of 80*s.* it was by no means improbable that fine flour would be 105*s.* He then proceeded to object to the present mode of striking the average. London, he conceived, to which corn was sent from all parts of the kingdom, ought to be allowed to fix its own average, and the quality, as well as the price of the grain, ought to be considered in striking that average. In the proper stage of the business, he would take the sense of the House on the mode in which the average ought to be struck, and also on the propriety of permitting London to enjoy the advantage he had already spoken of. He trusted, that some hon. member, of more weight than himself, would move for a call of the House, before this important question was finally decided.

The petition was ordered to lie on the table.

Sir *James Shaw* moved for "a return of the average prices of wheat, flour, and the quarter loaf, within the bills of mor-

talities, from the year 1804 to the year 1813, both inclusive."

The *Chancellor of the Exchequer* begged the hon. baronet to extend his motion to a period previous to that to which it was now confined; and it would also, he thought, be desirable, that the account should come down to the latest possible moment. That the House might judge what was the effect of the Act of 1804, the return ought, he conceived, to go back to the year 1791.

Sir *James Shaw* said, the chief object of his motion was to shew, that by the measure which they adopted last night, bread would be raised to a dearer rate than the citizens of London had been accustomed to pay for it during 10 years of war. Now when they were entering on a period of peace, and when, he humbly thought, the citizens of London had a right to expect to eat their bread cheaper than in a time of warfare, that House were about to raise the price. Neither should it be forgotten, that at the present moment, many of the burthens which affected the agricultural interest were removed. The property tax, which pressed so heavily on them, was abolished; the price of labour, the price of timber, the price of iron, in short, the price of almost every thing necessary for agriculture, was reduced; and yet, at this moment, they were about to sanction a measure that would raise the price of bread in the city of London, which contained one-tenth of the population of the kingdom, to a height that it had not reached during 10 years of warfare. [Hear, hear!] If the right hon. gentleman pleased to move for other returns to support his view of the question, he was at liberty to do so; but those which he now called for, were sufficient for his purpose.—The motion was agreed to.

The *Chancellor of the Exchequer* then moved, "That the House do resolve itself into a committee of the whole House to consider further of the State of the Corn Laws." On the motion that the Speaker leave the chair,

Mr. *Calcraft* said, that as the subject had been discussed at length during the preceding night, he should not at present trouble the committee; but on Tuesday next, or whatever day the report should be received, he should think it his duty, notwithstanding the decision of last night, to take the sense of the House again on the amount of the protecting price.

Mr. *Shiffnell* wished the agriculture to

be protected, but not beyond the necessity of the case. He should be ready to support any proposition for a protecting price under 80s.

The House then went into the committee. On the fifth Resolution being read,

Mr. Alderman *Atkins* said, he believed this was the proper period for explaining his view of the manner in which the average ought to be taken. He recommended that it should be struck on wheat alone, and not on meal and flour, as well on the weight as the price; and that no wheat should be introduced into the average that was not fit to make flour.

Mr. *Robinson* observed, that the present was not the proper time to offer the amendment since the committee had already agreed to a resolution, which stated, that the average should be struck, in the manner at present established by law. If, therefore, they were now to come to a resolution to alter that system, they would be contradicting the opinion already expressed. The hon. member had better, therefore, defer his amendment, until the report was brought up. The effect of his proposition, however, would evidently be, rather to keep up than to lower the average. If he only took his average from that wheat which was suitable for the manufacture of the best flour, it would be the means of always keeping the average price very high; and the interest of neither of the parties would be promoted by this alteration.

Mr. Alderman *Atkins* said, he would reserve his observations for another stage of the business.

The Resolutions were then agreed to, and the report was ordered to be received on Monday.

## HOUSE OF COMMONS.

Monday, February 27.

GAOL FEES ABOLITION BILL.] On the motion of Mr. Bennet, the House went into a Committee on this Bill.

Mr. Alderman *Atkins* thought that the Bill would throw a great burthen on the city of London, by not being extended to the King's-bench prison, the Fleet and Marshalsea. He had no objection to the principle of the Bill, which he considered founded on humanity; but as he thought it unjust that it should not extend alike to all gaols, he would recommend to let it lie over for some time.

Mr. *Bennet* could not see how the city of London could be at all injured by the Bill. He had already explained, that no prisoner could remove himself to the city gaols by Habeas Corpus. He therefore could not consent to any postponement.

Sir *James Shaw* said, that the persons fearing arrest would get their friends to arrest them in Loudon, in the gaols of which they would have no fees to pay, rather than wait to be arrested where they would have to remove themselves to the King's-bench, the Fleet, or Marshalsea prison, where they would have fees to pay. If the hon. gentleman would pledge himself to bring in a bill to abolish the fees of those three prisons, he would not object to the present Bill.

Mr. *Bennet* said, he would move for a committee to inquire into the state of the fees of those prisons, but that he could not as yet pledge himself to any farther measure.

Mr. Alderman *Atkins* thought it wonderful why the hon. gentleman should have any objection to extend the benefits of his Bill to the unfortunate prisoners in the King's-bench prison, the Fleet, and the Marshalsea, more than the prisoners of any other gaols. Were they not equally entitled to pity and to relief? Did the hon. gentleman conceive that they were more criminal than any other prisoners? He had no objection that the Chancellor of the Exchequer should pay the gaolers of the city prisons out of the consolidated fund, as well as the gaolers of the King's-bench and the Fleet. But if the hon. gentleman would not consent to let his Bill lie over for some time, or pledge himself to bring in a bill for abolishing the fees of the King's-bench, Fleet, and Marshalsea, he should think it his duty to take the sense of the House on the measure.

Mr. *Holford* said, that the Bill extended to all county gaols; but that the gaols of the courts of judicature were different from county gaols, and that, therefore, it might be necessary to provide for the latter differently from the former.

Sir *C. Monck* thought the city of London bound to maintain its prisons without any such aid as the gaol fees.

Sir *James Shaw* gave great credit to the principle of the Bill. The city did not desire exemptions from public burthens, but objected to the exemption of the three large prisons for debtors, the effect of which on them would be, that many persons arrested in London or the country,

to gain the benefit of lord Redesdale's Act, would be fixed on them. If this Bill was good generally, why not so, as respected those three great prisons? On what principle could they be excepted? Why should not the benefit of these wise alterations be generally extended? He hoped the hon. member would reconsider this subject.

The Bill went through the committee.

#### AVERAGE PRICES OF WHEAT, &c.]

Mr. *Frankland Lewis*, adverting to a declaration made by a worthy alderman on Friday evening, that if the proposed measure respecting corn were carried into effect, bread would probably be 14d. or 16d. the quarter loaf, lamented that a statement so unfounded, and so calculated to mislead and agitate, had gone forth to the public. He had sat formerly in a committee on the assize laws, and it had at that time been agreed by the committee, and even by interested individuals who were in attendance, that it was fair to consider six bushels and three quarters of wheat as equal to a sack of flour. If this were so, then when wheat should be 80s. a quarter, the quarter loaf, including all charges, ought not to be more than one shilling. Against this statement there were only some imaginary and absurd differences between the average of wheat in the market, and the wheat of which it was fit to make flour for bread. To set this matter in a clearer light, he would move, "That there be laid before the House an account of the average prices of wheat at the Corn-exchange, per quarter, and of flour, per sack, from the year 1759 to the end of the year 1814; distinguishing the variations in the same from month to month in each year."

Sir *James Shaw*, in reply to the observations made by the hon. gentleman, on what had fallen from him on Friday, said, that facts were better than theories at all times; and the facts were these, namely, that for ten years, viz. from 1804 to 1813 inclusive, the average price of wheat had been 88s. 8d. a quarter, of flour 81s. 5½d. and of the quarter loaf 14½d. He had been given to understand, that if the average price of wheat throughout England should be 80s. a quarter, the fine wheat of which the flour was made for the bread consumed in the city of London, would be 95s. He allowed that this was a point of speculation, but he stated it on the best information he had been able to obtain.



Mr. *Robinson* observed, that it was rather singular that because the worthy alderman stated that while wheat was at 88s. a quarter, the quartern loaf was at 14d. the worthy alderman should thence conclude, that under the operation of a measure by which corn could not be raised to a price above 80s. a quarter the quartern loaf would be 16d.! [Hear! hear!]

Mr. *Baring*, in reply to the last observation of the hon. gentleman, contended, that in no event would wheat, by the operation of the new measure, be left under 80s. and that the measure would have a constant tendency to keep it above that price. He had no doubt the worthy magistrate was accurately informed with respect to the facts which he had stated to the House. The effect of the measure would be to enhance the prices of bread, and to put a bounty into the pocket of the grower; and with reference to an observation made by the hon. gentleman who had made the present motion, as to the danger of making such remarks, he would ask how the question could fairly be argued without making them? He wished to say nothing to inflame the public mind: but he knew of no way in which he could argue the question, if he did not say that he thought the measure was an attempt to enhance the price of bread, and to procure a bounty for the growers of corn. Fairly, he could not argue it, without looking on that as its inevitable result.

Mr. *Brand* suspected that there was some gross deception used by those who were between the growers and consumers of corn—the corn-dealers, the meal-men, the bakers, &c. in the city of London, by which the public were prevented from having bread at a fair and moderate price [Hear, hear!]. He contended, that if an investigation were set on foot into the way in which the market was managed, it would so be found, and that it would also be found, that when the average price of bread was 80s. a quarter, the quartern loaf need not be more than 1s. The object of the measure was to prevent wheat from ever being more than 80s. a quarter, and at the same time to give confidence to the agriculturist, in order that he might produce a sufficient supply.

Mr. Alderman *Atkins* quoted the averages of the different districts to prove that there was a difference of 21s. a

quarter between some of them and the average of the whole; while that of London differed but 2s. from the average of the whole. It was, indeed, impossible that any combination of dealers could keep up the average in the city of London.

Mr. *Marryatt* said, it was well ascertained that if the average price of wheat were at 63s., the quartern loaf would be at 11½d. and if the price were 80s. the same loaf would be 1s. 3d. He hoped, therefore, the House would suspend their judgment till such time as they could reconcile and fix the averages with a view to the general benefit of the public.

Mr. *Frankland Lewis* said, the proportion between the price of wheat and bread was regulated by statute. The law said, that when the average price, that was, the price of good, bad, and middling wheat was so much, that the price of the quartern loaf should be so much; that, for instance, when the quarter of wheat was 79s. 8d. the quartern loaf should be at 1s. When wheat was 79s. 8d. the proportion that the price of the sack of flour ought to bear to it was 66s. 8d. This was the positive enactment of the statute on the subject.

Sir *James Shaw* said, the price of bread in the metropolis was not fixed by the average price of wheat, but by the average price of flour. It was in the power of magistrates to fix the assize either by the average price of wheat or the average price of flour; and the magistrates of London had generally been of opinion that the fairest way of fixing it was by the price of flour.

Mr. *Rose* expressed himself obliged to the hon. gentleman (Mr. F. Lewis) for the valuable information which he had communicated to the House on the subject of averages. He had always been unable to account for the circumstance of the price of bread being invariably higher in London than in the rest of the country. The difference had been often stated as high as 10 per cent. In a paper before the House, it was distinctly stated, that for eight or nine years back the price of bread had been 3d. higher in London than in the other market towns of England. This perplexed him extremely. At first he thought it might have arisen from a monopoly among the millers; but he was afterwards convinced that this could not be the cause, because flour had been imported from all parts of the country to London. How, with this permission

to import, the prices had always continued so much higher in London than elsewhere, was a subject which was utterly inexplicable to him; and he conceived it might be a fit object for inquiry.

Mr. *F. Lewis* said, he would explain why the price of flour was so much higher in London than in the country. In the one case, 371 pounds was allowed for a quarter of wheat; and in the other, 437 lb. making a difference of 66 pounds in the quarter.

The return was then ordered.

Mr. Alderman *Atkins* moved for an account, from the first week of November last, to the 18th of February, containing returns of the quantities of grain sold during that period, from which the averages had been estimated, framed in such a manner that the weekly averages might be seen.

Lord *A. Hamilton* observed, that the subject of averages was the point on which the discussion hinged, and without some information as to what the intentions of his Majesty's ministers on that subject were, the House scarcely knew what they were to look forward to. The right hon. gentleman (Mr. Robinson) had stated, in opening the question, that no alteration whatever was to take place as to fixing the averages. It was well known that there was a great variation in the mode of taking the averages in different districts. In some, Scotch grain was excluded; in some, Irish grain; in some, both; and in others, neither. Was he to understand that in future the average was to be taken from the quantity, as well as the price of the grain sold? If it was in contemplation to pass the Bill with the present mode of taking the averages, then it might be proper to reduce the importation price, it might be reduced from 80s. to 76s. the quarter; but if there was to be an alteration with respect to the averages, then the House were totally in the dark. Farmers and landlords had not hitherto had the benefit of the law as it existed. It was well known that corn had been lower in all the markets of the country than the importation price, long before the importation was stopped; and that the farmers could not obtain a price for their corn, in consequence of the competition of foreign corn in our market.

Mr. *Robinson* said, he certainly did state on opening the subject, that he was sensible of the objections to the existing mode of taking the averages, but that he did not

see how that mode could be got rid of, and that he conceived it better to leave the subject as it was, than to substitute any other mode in its place. He still adhered to that opinion. Whatever, therefore, the House should think proper to fix with respect to the importation price, they would do it on the understanding that the averages were to remain as at present. That there was a difference between the present mode and others which might be devised, he was willing to admit; but he was convinced the more the subject was examined into, the more difficult it would be found to come to any precise knowledge of that difference. One week there was a difference of 4s. and another week a difference of 5d. With respect to the observation of the noble lord, on excluding Scotch and Irish corn in the average, the law required British corn, including Scotch corn, but excluding Irish and foreign corn.

The return was then ordered.

STATE OF THE CORN LAWS.] On the question, that the Report of the Committee, on the State of the Corn Laws, be brought up,

Mr. *Barclay* rose for the first time. He said, it was with considerable reluctance he stood up to oppose a string of resolutions which had been sanctioned by so large a majority. From the short time he had sat in the House, it might perhaps be deemed presumptuous in him to differ so directly in opinion from so many gentlemen of much longer parliamentary experience than he had to boast; but he felt himself imperiously called on by what he deemed his duty, to enter his serious protest against these resolutions, and the principle on which they were founded. If he understood that principle right, the landholders now came forward and claimed from the House and the country a compensation for the capital which they had invested in the improvement of their own estates. Surely, by the same rule, the manufacturers had an equal right to come to the House, and ask a compensation for the capital they had expended in enlarging their several manufactories, in obtaining new machinery, and in the purchase of raw materials, which, during many years of the late war, had lain by them a mere drug and a dead weight. The manufacturer, however, had taken no such step: he was content to take his chance in both the home and foreign market, and to depend on the goodness and superiority of

his manufactures to fetch him such a price as might remunerate him, both for the capital he had laid out, and the labour he had bestowed. He was content that the wares he dealt in should go fairly to market, and there find their own level against every sort of competition. The landholders, on the contrary, not satisfied with the high prices of corn during so many years of war, which had in all instances doubled their rents, and in many had trebled them, came to the House and required at its hands a compensation for that capital, which had already procured them so many advantages, in the continual advance of their rents during so long a period of time,—during all which the middling and labouring classes of the community had been struggling with difficulties, and patiently and loyally suffering privations from which they could expect no deliverance if these resolutions should be carried into effect,—privations which they had all along been promised they should be relieved from, when Providence should send them the blessings of peace. Those blessings, so long looked for, and so much desired, had been granted, by our being now at peace with all the world; and yet, if these resolutions were carried into effect, the manufacturers and the labouring classes must greatly suffer, because the high price of corn must increase the price of labour, and that could not be done without endangering the manufacturer's competition in all foreign markets. He was decidedly of opinion, that no body of men, however respectable, ought to expect a compensation for the capital they expended for their own benefit, or for the taxes they paid in common with other bodies of men, according to their several circumstances in life. He must, therefore, once more protest against the resolutions, and object to the report being brought up.

Mr. *Grattan* said, that the tendency of the arguments of the opponents of the present measure, was to reduce the people of this island to depend for bread on the will of foreigners—to reduce the people of England to the necessity of being fed by the charity of France. He was far from asserting that such a high tax on corn would be imposed by foreign governments, or that they would prohibit it from being exported to England. The question was, whether parliament in its wisdom would reduce the people of England to depend on foreign states. The House were to consider whether domestic corn could contend in

our markets with foreign corn. That foreign corn would drive the home corn out of the market, and that we could not contend with foreigners, was a point which all were nearly agreed on. No man could look at the reports and the evidence without being convinced, that without an alteration in the existing laws, we must be undersold by foreigners in our own markets. The growers of foreign corn were not subject to the burthens paid by our agriculturists, and could therefore afford to sell their produce much cheaper. The question was, whether the farmers of this country should give up tillage for want of that encouragement and protection which was afforded to the manufacturer. That countries of such extent and capacity of improvement as England and Ireland, should be allowed to lie waste, and that we should derive those supplies from foreign countries which our own was so well able to yield to us, was a proposition of so monstrous a nature, that he wondered how it could have been entertained.

It had been argued as if the protection afforded to tillage would have the effect of driving our manufacturers out of the market of Europe, and as if the prosperity of our manufactures and our agriculture were two things altogether incompatible. But there was no evidence to shew that a fair protection to the agriculturist was incompatible with the success of our manufactures. The manufacturers had made out no case to shew, that if corn were to be at 80s. the quarter, the manufactures could not be successfully carried on, but that if it were at 75s. the manufactures would flourish. The language of the manufacturers seemed to be this: pay us an enormous price for our manufactures, and give up tillage, that we may be enabled to sell our goods cheap to other countries. The right hon. gentleman then proceeded to examine the opinion of Dr. Adam Smith respecting the price of labour. He was aware that the price of corn did influence the price of labour; but it was also influenced by other articles of prime necessity which were to corn in the proportion of two to five. Corn was a necessary, but not the only necessary of life. The rule of an unlimited freedom could not be applied till the consent of all the other nations of the globe was obtained. While a protection was given to all our manufactures, was corn to be the only exception? and were husbandmen to be deprived of that protection and encouragement which

was given to every other class in the community? The language of the manufacturers was this: give us such a price as we please for our cloth and our hardware, and allow us to give you such a price as we please to give you for your corn. It was not enough to say, that the people ought to be allowed to procure corn from the places where it could be got cheapest; it was necessary also to shew that the foreign markets were perpetually accessible.

Much had been said respecting the commercial relationship of the country, by those who seemed to have forgotten that the political relationship was much more important, and in fact governed the whole. The existence of the nation depended upon grain; those who supplied us had our lives in their hands—they were the masters of our very being; our resources, our finances, our trade, must depend upon the will of others; and would it be wise to put the trident itself into the hands of those who would be our enemies, the moment it ceased to be their interest to be our friends? Instead of continuing a physically independent, we should become a physically dependent people. Suppose we were morally certain that we could obtain a supply of grain from abroad, did it follow as certainly that we could obtain that supply at a cheap rate? Might it not at some future period be the policy of the country from which it was derived, to lay a heavy duty upon corn? and might not England, that had ruined her own agriculturists, be compelled to pay an exorbitant tax for the very subsistence of her inhabitants? The market at home was always certain, the market abroad always uncertain; by looking only to the home market, we should encourage all branches of trade, as well the merchant as the agriculturist; by looking to the foreign market, we should effectually throw our own land out of tillage. With the assistance of Ireland, the empire was independent of the world. By discouraging the farmer, we not only made the whole world independent of us, but we actually degraded ourselves into supplicants and petitioners to those who had been our bitterest enemies. Let us employ and foster our own means, and we should have more corn than any amount to which even the imagination could extend. Give to Ireland the encouragement to which she was entitled, and the question would not be whether we wanted corn, but how we should dispose of our abundance: then, indeed, would

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arise another care for the government; for the grower might be smothered in his own abundance. How many thousand acres were there in Great Britain yet uncultivated? how many thousand more in Ireland, that might, by due encouragement, be converted into the best land for the production of wheat? And would the House consent to cast away food placed in our own power, for the miserable and mistaken policy of procuring grain cheaply for one year, and of entailing dependence and famine upon the country ever afterwards?

It had been formerly the practice of England to repress Ireland, to keep back her produce and manufactures; but she had flourished notwithstanding; and after a series of years she had now become an exporting, instead of an importing country; and in 1806, during the administration of a right hon. baronet, (Sir John Newport) the intercourse was opened between the two countries, without restriction. The result was, that Ireland was at this time a great agricultural country, and was able to supply to this country more than two millions of quarters annually, and actually at one period covered the whole demand of Great Britain, notwithstanding the great increase of her population. What had been the cause of this improvement, but the stimulus given by the possession of the home market? Having raised Ireland to this situation, would parliament, by rejecting the measure before the House, compel her agriculturists to neglect the land they had so industriously brought into tillage? Would it consent that the population that had fed us should themselves be starved? Her industry had now raised her to importance in agriculture; and was it the wish of the opponents of this measure, that she should change her system and become of importance in manufactures: she would then be converted into a subsidiary country in respect of supply, and a rival country in respect of manufactures. That would be the result of the arguments of the opponents of these Resolutions—and was that what they desired? The right hon. gentleman then took a short view of the state of the finances of Ireland, proving that she transmitted large sums to this country, by means of remittances to absentees, and the purchase of woollens and other manufactures. Were her agriculture destroyed, how would she be able to continue these payments? It was a question not merely

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touching those connected with Ireland, but the whole landed and commercial interest of this portion of the empire. At present the remittances to absentees were calculated at two millions; by proper regulations, by the improvement of their estates, the sum would be augmented one-third; and by reducing the farmers, not only this additional third would be withdrawn, but perhaps half of the original sum that had been hitherto transmitted. There were, however, higher considerations, that must have more weight than any thing he had hitherto stated: Ireland was a country with many prejudices against England, some of them well founded—she was connected by ties that at various periods had appeared in danger of being destroyed: at present the union appeared firm and lasting; but it remained for this country either to weaken the bonds or to render them indissoluble. How was this to be effected? By making the two countries mutually dependent upon each other. Ireland, if this Bill were passed, would continue to take the manufactures of Great Britain, and Great Britain would continue to take the grain of Ireland. Thus they would be united, not merely by the link of law, but by the firmer bonds of absolute necessity. The two countries, with the same general interests, instead of rivals, would become firm and steady friends—they would be physically identified with each other—mutually dependent upon each other—and for ever mutually independent of the rest of the civilized globe. On these grounds he gave his entire concurrence to the Resolutions before the House.

Sir Robert Peel was anxious to correct a mistake that seemed to prevail in the House, that the interests of the landholder and of the manufacturer were conflicting and incompatible. They were, in the view of enlightened policy, the same; and the success or ruin of the one, was the success or ruin of the other: inasmuch as the country generally had been enriched by the sale of our manufactures, the landholders had received their share of the wealth and advantages. It had been the wise policy of former governments to keep the price of the chief article of subsistence as low as possible; upon this principle Mr. Pitt had acted with success, but the system was now about to be changed. It was undoubtedly true, that the rent of land would be diminished by the unlimited importation of corn; but if the Resolutions

upon the table passed in their present shape, the manufactures of the towns would be destroyed, and the land must consequently be depreciated; corn might be grown, but paupers would be the only customers for it. It was in truth impossible to separate the two interests. The value of land within memory had increased in some places three-fold; the owners had derived their benefit from the political state of things, and now they must suffer the depreciation produced by an alteration in that political state. With respect to our manufacturers, it was allowed, that during the war our triumphant situation on the sea had enabled us to force a trade without rivals; but now we were open to competition, it would be madness in us to throw fresh obstacles in the way of those who had so many to contend against. In his opinion, it might be fairly argued that the manufacturer had been the great benefactor of the landed interest. He did not say that his design was to serve the land-owner. That had been the effect of the flourishing state of our manufactures, and in the difficulties now to be encountered the land-owner ought to participate. By the measures now upon the table the wise system pursued for years was about to be subverted, and the labourers prevented from putting the real wealth of the country into that marketable shape by which this country had hitherto been made the envy of surrounding nations.

Mr. Yorke observed, that the present question was not whether any restriction at all should be imposed, for it appeared to be admitted on all hands, that some provision of this kind was necessary. The hon. gentleman opposite (Mr. Baring) had made some severe observations on the landed interest; he seemed to think that they wished to bolster up their high rents by a legislative enactment; but surely no person could think of seriously insinuating such a charge. When such an observation was made with reference to the land-owners, they might retaliate, and accuse the great and opulent merchants who opposed the restriction, with a design to extend their commerce, by throwing open this trade. Now he believed, on his conscience, that no such feeling existed in any quarter of that House. He was convinced, that both the merchants and the landholders wished to decide this question in the way most beneficial to the community at large. His hon. friend who spoke last had very justly observed, that the interest of the

manufacturer was the same with that of the land-owner. He was correct in his statement; and the persons who endeavoured to excite a diversity of opinion between those two interests, could not effect any good by their efforts. An hon. and learned gentleman on a former evening had admitted, that the question was, whether this country could be supplied with corn from her own immediate resources; or whether it was not necessary that her supply should come from abroad? And he had particularly observed, that, if it could be proved, that the system of a free trade would oblige this country to depend on France for the necessary of life, it would be sufficient to make him change his opinion. Now, he would place himself on this ground, that England could be rendered perfectly free of foreign countries for a supply of corn—and this the hon. and learned gentleman himself had admitted to be a most desirable thing. The hon. and learned gentleman seemed to argue on this question, as if it were a new case—as if the legislature had never before imposed any restriction on the importation of corn. But every one knew, that the very principle they were now preparing to act on, had been adopted, if not from the times of Charles the 2nd, at least from those of king William; and was, in fact, as old as any other part of the system which governed the trade of this country. It was true, that, on a question of so delicate and critical a nature, as one affecting the food of the people, a case of necessity should be made out by those who proposed any alteration in the law. That necessity, he conceived, had been admitted by almost every person who had taken a part in the debate. All agreed that a restriction should take place, though a difference of opinion existed as to the importation price; some preferring 74s. some 76s. and some 80s. He here protested against what had fallen from some of those who had delivered their sentiments. He could not consider this question, as it related to the united kingdom of Great Britain and Ireland, merely in a commercial point of view, on the same footing as it might be considered with reference to Bremen or Hamburgh. It was indeed said, that this was a commercial and manufacturing country. He could not admit this in the sense attached to the appellation by some gentlemen. That it was a great commercial country he allowed—but it was a great agricultural

country before it was a commercial one. Nay, even if its commerce and manufactures were to be annihilated, it would still continue a great country, and maintain its independence throughout Europe. It certainly neither had been nor could be so dependent upon its manufactures as the hon. baronet, who had just spoken, had conceived it to be. But those who thought that our manufactures, which had continued to flourish during the extraordinary events of the long revolutionary war, would be equally successful now the nations of the continent were in a state of profound peace, might find themselves egregiously deceived. The French people, now brought back to order, would be anxious to prevent their introduction. At all events it would be too much to suppose that we ought to sacrifice every thing to our manufactures.—But the advocates of the manufacturing interests had not condescended to tell us in what manner the proposed measure would have the effect of raising the price of corn. If our manufacturers should not henceforward be able to compete with foreign countries, the circumstance would not be owing to this measure. But the Bill was not intended to raise the price of corn; its object was to prevent the foreigner from coming into this country with his produce, to the injury of our own, and even to an extent which would be ruinous. For many years after the prices had been fixed, from an early part of the last century till 1764, the price was always lower than it had been before, because the agriculturist felt himself so much at ease as to be able to afford corn at a reasonable price. It would be the height of absurdity to give the community reason to believe that for a year or two only, they might have corn at a very low price, and after that to let them have the prospect of its being considerably dearer. It was folly to talk of the impossibility of this country not being able to grow corn enough for its whole consumption. From a calculation which he held in his hand it appeared, that taking Great Britain and Ireland together, the superficial contents were 63 millions of acres, and the population of the empire about 17 millions. Supposing that 12 millions out of the 17 eat wheaten bread, and that the rest subsisted on oats or other grain, and that each individual of the former portion consumed about a quarter of wheat, did any man believe that the land would not produce the

whole of the quantity required? He would admit, that he had been a great sceptic on the subject of the necessity of importation; but he had altered his opinion, on minutely examining into it. In the last year it appeared that 670,000 quarters of corn had been imported; but of these, 430,000 were imported from Germany, Holland, Flanders, and France, all within the last quarter of a year. He would not take into the account any importations which might come from America or from Poland, because the circumstances of expense, of freight, and navigation, and the distance from which they would be brought, would operate against the introduction of any material quantity; but as to the importations from the rest of Europe, it would in a moment be seen, that if 430,000 quarters of wheat, and 200,000 of oats could be imported in one quarter of a year from countries of the continent, independent of France,—the agricultural interests of this country must be placed in a state of imminent hazard.—With respect to the opinions of the Corporation of London upon this subject, he did not place much reliance upon them. It was not the same corporation that existed in the time of William or of Anne, or in that of the two first princes of the House of Brunswick. And when he looked to the public principles which had lately emanated from that body, and considered the purposes to which they had occasionally lent themselves, he could not withhold the remark, that they were not entitled to the same respect as heretofore. It was very natural that a great and populous city, like that of London, should desire to have their bread at a cheap rate, without regarding the means by which that end was acquired. It was immaterial to them whether the corn came from France or from Poland, or from whence it came, so as bread was at a low price; but he could not help saying, and he was sure the House would agree with him in thinking, that it was impossible so great a mass of people could be capable of forming a judgment of those measures which were best calculated for the advantage of the community at large, and the more especially, when it was recollected that their own personal interest was at variance with that of the great body of the public. It was impossible for such people to argue on the subject; and on this account he would not give way to their opinion. It was this outcry for cheap bread which

demolished the Roman power: *Panem et circenses* was the demand of the people; the demagogues joined in the clamour, and the government was at last obliged to furnish them with bread gratuitously; then they neglected the cultivation of their own fertile lands, and looked for their supplies to Sicily and to Egypt: but after this, the hardy race of labourers—*rusticorum mascula militum proles*—became extinct. With the loss of agriculture went their liberty, their power soon followed, and hence the fall of that once great and flourishing city. The inhabitants of London amounted to one million, and if these depended upon France and Holland and Flanders, for corn, what would become of Kent, of Sussex, and of Essex? As it was, in consequence of the importations from abroad, he well knew that scarce a farmer had sent a grain of corn to market. The price, in fact, at which it was selling, would not pay them for their labour. How was it possible that the agriculture of this country could bear a competition with the agriculture of France or Flanders? The ports of those countries lay fully as convenient for the London market as the ports of Norfolk, or even Essex. To his own knowledge there were farmers within 25 miles of the metropolis, that could not sell their corn at all. The miller would not buy a grain of it while they could be supplied with foreign corn. If the city of London was to be fed entirely on foreign corn, it would probably have the effect of making corn cheaper for a few years, but in the end it would entirely put down the agriculture of this kingdom. Some corn land might, indeed, be laid down for pasture, but a great part of it would soon be occupied by thistles and brambles. Could it, then, be a matter of doubt for an instant, whether we ought to encourage foreign corn in preference to our own? There surely could be no idea of any thing so absurd. Suppose, for any reason, good, bad, or indifferent, the foreign powers should, at a future period, stop the exportation of corn, what would become of us, if, from its previous inundation, we had suffered the agriculture of our own country to decline? It had been said, that this country would cease to be great, without a preponderance in commerce and manufactures. Those who thought so, should cast their eyes back upon what had lately happened. We had seen a great country—great without either manufactures or

commerce, which had conquered nearly the whole of Europe. He would never admit that the agriculture of our country should be thrown back—such a measure would be an act not only of the most serious impolicy, but of injustice; and he was persuaded, that if the matter was fairly stated, the poorest man in the country would exclaim 'No!' to such a proposition. With regard to the price, there was a difference of opinion, as to whether it should be 72s. 76s. or 80s. He was at first rather for the low price; but a low price had always, in his mind, been coupled with the notion of a graduated scale of prices, and he had thought that if 76s. were taken as the first price for opening the ports, then it might be carried up to 80s., or till the price at which corn might be imported free; but when it was resolved to fix a price, without a scale of advance, then he was for 80s. For as the averages were admitted to be incorrect, and as they did not give a fair advantage to the farmer, he had a right to expect the higher price rather than the lower. On the whole, he was never more convinced of any thing in his life than that this measure was necessary; and he thought that its adoption would not fail to restore that confidence which was now lost amongst our agriculturists. It never could raise the price of bread; but its effect would be to give us a supply at home, and when a time of scarcity might happen we should be able to get a supply from abroad. On these grounds he should vote for the reception of the Report.

Mr. *Philips* said, he had listened with great attention to the speech of the right hon. gentleman who had just sat down, in the supposition that he would have come to no less a conclusion than that the security of the country depended upon the adoption of the measure of which he had proved himself so strenuous an advocate. After all, however, he could discover no other reason, in the course of the right hon. gentleman's long speech, for keeping up the high price of corn, than that the people of Rome had, by being clamorous for low prices, thrown themselves into the hands of demagogues, and had eventually lost their liberty. This was certainly a novel argument at the present day, but it was not one which was likely to be attended with much weight. It had been said, however, that some regulations were necessary. He would ask why? By an extraordinary concurrence a monopoly

had been given to the home growers, in consequence of importations not taking place, but now that importations did take place; it was proposed to make the monopoly prices permanent. This was a species of legislation which, upon cool observation, he apprehended few would be inclined to support. The terror which had been attempted to be excited respecting the importations from France, was of the most groundless description. The fact was, that, comparatively speaking, the importations from that country had been little or nothing. But even admitting the full force of this argument, he would ask in what manner were these importations to be paid for?—In money? No: in manufactures—in an exchange of equivalents according to the natural course of such transactions. Gentlemen could not be so ignorant as not to know that this country could not be an importing, without also being an exporting country—we could not be an exporting country without an accumulation of wealth; and the wealth so obtained he considered would turn out in effect to be the best security which the landholder could enjoy.

With respect to taxes, upon which so much had been said, he contended that the manufacturer had been infinitely more oppressed in this way than the agriculturist. The Chancellor of the Exchequer had taken off the income tax, it was true; but he had imposed new taxes upon the manufacturers—measures which were hailed by the House with general applause. This, however, was not sufficient; for at the very moment these oppressive steps were taking, a more grievous and destructive burthen was contemplated, by proposing a permanent high price of grain. The difficulties with which the manufacturers had to struggle, were sufficiently great without this new imposition; and if, as had been said, this class of society constituted one half of the population of the country, he would ask, why their interests should not be protected with as much anxiety as those of the agriculturists? For his own part, he was of opinion, that upon the manufactures of the country depended its prosperity; and, therefore, he did not hesitate to say, that the adoption of any measure calculated to diminish those manufactures, would, in the end, prove subversive of the welfare and independence of Great Britain. Only two days back, one of the most experienced cotton spinners in this country called upon



the contrary, clear, that whether that House raised the import price of corn or not, the cotton manufactures of France would still go on, secure against the competition of our manufacturers.

But as to the success of the cotton manufactures of France, it seemed extraordinary, if the hon. gentleman's assertion were correct, that the Chancellor of the Exchequer should have thought our cotton manufactures still able to bear the proposed additional tax upon the raw material. Certainly, if the assertion of the hon. gentleman were well founded, the proposition of this tax would appear absurd. But as to the state of our manufactures generally, it was quite preposterous to suppose, that a cessation of the monopoly which the circumstances of the war allowed us to enjoy, should not affect our manufacturers, without any reference to the price of corn. As to the recommendation of an hon. member (Mr. Baring), that the land-owners should reduce their rents, he submitted that an acquiescence in that recommendation would not produce the effect upon which the hon. member calculated, while it would be essentially unjust to the land-owners, and materially injurious to the general interest. For even if the land-owners were immediately to comply with the hon. member's wish, it did not follow that a declension in the price of the several articles of consumption would be the consequence; that the wages of labour would fall, or that the state of our currency would be more rapidly improved. The present state of prices then continuing the same, the land-owner, with a rental reduced, for instance, from three to two thousand pounds a year, would still have to pay the same sum that was at present demanded for every article of consumption. And how, he would ask, was this to be done? In fact, the land-owner must, in such an event, reduce his expense, and this reduction would, of course, operate to prejudice the manufacturer and mechanic. But, independently of this consideration, the interest upon the public debt, amounting to about forty millions, must still be paid; and were the rental of the land-owners reduced in the proportion advised by the hon. gentleman, those land-owners would scarcely be able, under such circumstances, to pay any thing else than their proportion of that interest. Then, as to day-labourers, if they were to be thrown out of employment, by the discouragement of agricul-

ture, an additional burthen would be imposed upon the landed interest; from which burthen the manufacturers would be comparatively free.

He would not say that the better lands would not be still cultivated, but the lighter lands must, undoubtedly, be thrown out of cultivation, were the measure under consideration rejected; and no one could contemplate without alarm, the idea of having the country thrown back to the state in which it was sixty years ago, especially considering our increased population. In viewing the merits of this question he had always Ireland in his mind, as might be naturally supposed. It was clear that the agricultural produce of Great Britain would not be able to keep pace with our increased population; and where, then, should we look to supply the deficiency? Surely, not to France or to Belgium, or any other foreign state, while we could be supplied from Ireland, which formed a part of our own empire, and which being always secure to us, was capable of furnishing us with an abundant supply. As to France, he confessed that he did not feel the jealousy which some gentlemen professed respecting a supply from that quarter; for should we really stand in need of corn, the object would naturally be to obtain it on the cheapest terms; and if France could afford to supply us on those terms, he should rather have it from thence than elsewhere—certainly rather than from North America. But, referring to those who would have a free import of provisions, he should ask, why not also allow the free import of sheep and oxen, for they were articles of provision as well as corn? and if the principles of those gentlemen were good for any thing, it should comprehend the whole. In examining, however, the principles of free trade, which those gentlemen maintained in opposition to all the experience and established policy of this country, which ever consulted the means of rendering us independent of foreign supply, with a view to our national safety and internal quiet, his mind naturally turned to the fate of Norway. What, he would ask those gentlemen, facilitated the subjection of that country? What rendered it impossible for that people to withstand foreign attack, but its dependence on other nations for a supply of corn? Here an important lesson was to be learned, which, notwithstanding the superior importance of this great nation and

its various means of supply, which must ever save it from a similar condition, was entitled to due consideration. Again he would recommend those gentlemen to consider that such a measure as that before the House, which by no means rendered certain any rise in the price of bread, was calculated to guard the country against that alarm, which, in times of scarcity, was so apt to produce an artificial enhancement of this necessary article. But still more those gentlemen should bear in mind, that in consistency with their principle of free trade they should not only resist the proposition for raising the import price of corn to 80s.—they should go still farther, and move the repeal of the existing law for fixing the import price at 63s. Thus they would consult their wish for a complete freedom of trade in the import and export of corn.—Another point to which he thought it material to call the attention of the House, and which had not been sufficiently touched upon, was with respect to the fate of those employed in agricultural labour. If agriculture was refused the necessary encouragement, a great proportion of those labourers must be thrown out of employment; and what, he would ask, was to become of them? They could not look for employment in manufactures, because they were destitute of the necessary skill, and also because the manufactories were, he apprehended, already crowded with hands. These labourers, then, would have no resource but in the poor-rates, by which, according to what he conceived the impolicy of England, such persons must be maintained whether they worked or not. Thus, those labourers would have to be supported at the expense of the community without yielding any degree of productive labour in return; that expense, too, bearing principally upon the landed interest. This incumbrance, combined with all the circumstances which he had already stated, held out a prospect which must make a due impression upon that House and upon the country at large, all classes of which were, in fact, equally interested in the success of this measure.

Mr. Philips, in explanation, stated, that in having said, the machinery employed in the cotton manufactories of France was better on the average than that in England, he did not mean that that machinery was better than the best to be found in this country. The hon. member repeated his conviction, that this measure would

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serve to raise the price of corn above its natural level, and thus to lay a tax upon the manufacturers and all other classes of the community, for the delusive idea of a benefit to the agricultural interest.

Mr. Marryat said, that no gentleman was more disposed to give encouragement to agriculture than himself, in order to make the people of this country independent of foreigners for a supply of corn. He, however, could not go the length of supporting the resolutions. The right hon. gentleman had said (as others had done), that this measure would have the effect of making corn cheap. Before this could be made out, it must be shewn that 80s. was not more than 63s. The consequence of raising the protecting price, would be to increase the regular price of grain. Though they had been repeatedly told, the English agriculturist could not compete with the French corn-grower, on account of the weight of taxation sustained by the former, the gentlemen who had stated this, had not thought fit to tell them the amount of the taxes paid by the latter. They ought to know that one tax paid by the French farmer, the *contribution foncière*, was, in amount, more than all those which fell on the English agriculturist. The additional centime lately laid on, made it amount to one-fourth of the produce of the land, so that, in point of fact, the French farmer was in the same situation as if a land-tax of 20s. in the pound had been laid upon him; and yet they were told the English farmer could not compete with them. In this statement he was supported by Mr. Malthus, who had taken the produce of this tax at a third of that of the land. In last July the French minister of finance, in a statement which he put forth, in which he very feelingly complained that 42 departments had been taken from France, and that but 36 remained to her, had stated that the produce of the *contribution foncière* on these departments amounted to no less than 275,000,000 of livres, about thirteen or fourteen million sterling. An hon. gentleman (Mr. Whitbread), in noticing what had fallen from him on a former evening, had said, in reference to what he had advanced, that he should like to know the profits of his commercial concerns in the year. He was surprised to hear this from that quarter, as that hon. gentleman had so recently declaimed in that House against the power given to the property-tax commissioners as inquisitorial and outrageous. He had

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given it many hard names; but it seemed, from the speech to which he had referred, that he was of opinion that power, which ought never to have been given to the commissioners of the property-tax, might with safety be lodged elsewhere. For his own part, he believed that if the profits of the hon. gentleman's brewery in the course of the last year could be disclosed without impropriety, the public would be satisfied, that however anxious the hon. member had been for their interests, he had not been quite negligent of his own. He wished to remind the House, that not many years had elapsed since the French revolutionary policy was formed upon principles similar to some of those by which the present measure was defended, and that the effects of that policy had been to drive manufacturers out of France, and in a short time so to injure the landed proprietors themselves as to reduce the value of land from 25 and 30 to 5 and 6 years purchase. He admitted that some protection was necessary, and that a certain boundary was to be established: but he was decidedly of opinion that the proposed measure overleaped that boundary.

Mr. *Davies Giddy* spoke in favour of the Resolutions. The only alternative they had to consider was, whether the country should depend upon foreign supply, or raise its own; and he had no hesitation in preferring the latter. He declared his belief to be, not that the effect of the measure before the House would be to render corn cheaper than at present, but to prevent its ever becoming inordinately dear. If any unpopularity attended an opinion of this kind, he was ready to meet it.

Mr. *Baring* rose, in consequence of the observations of which he had been the subject. For himself, and the gentlemen who took the same view of the question which he did, he disclaimed any anxiety for popularity, which must be short-lived, if the measures they recommended should prove injurious to the country. In most instances he was satisfied the interests of the nation were best confided to its great land-holders, but when they came to discuss a question so immediately affecting their own personal interests as the state of rents, and the value of the produce of land, it was fit they should be cautioned against taking a narrower view, from the bias they must necessarily have, than they were accustomed to take, of the tendency and effect of measures submitted to their consideration. During the whole of this

long discussion, he had heard nothing in favour of the Report now at the bar: he had heard nothing to satisfy him that 80 shillings ought to be the protecting price. He had heard the agriculturists cried up, and the manufacturers spoken of as the scum of the earth—[murmurs, and loud cries of "No, no,"]—but nothing had been said to justify the proposed importation price, and he found it opposed in every part of the report of the committee up stairs. He had offered his sentiments before; but there was something so absurd in going in direct opposition to the report of that committee without one word being said, which he could consider as a justification of their taking such a course, that though he would not again go through the evidence, he could not but call the attention of the House to that which had been the recommendation of the committee. The witnesses were agreed, that some protection to the agricultural interests was necessary. It was generally asserted by them, that with the present charges, present rents, and present taxes, 80s. would be necessary. Four or five of the persons examined had named a lower price. Mr. Maxwell had said 75s. would be a high limiting price—if that could be got, the farmer could have no cause for complaint. Mr. Crabtree had named 75s., Mr. Mann 72s., Mr. Giles 76s., or from that to 80s. Mr. Webb, when asked if the farmer could afford to grow corn at the present prices if his expenses continued the same? answered: "You ask me that which it would be absurd to assume—if bread falls in price, other things must fall with it."—He had heard nothing to reconcile him to the protecting price of 80s.; and unless he did hear some satisfactory argument for it, he should in the first instance vote against the report being brought up from the bar. He controverted the statement which they had heard, that the farmer's rent was of no importance to the price of grain; and proceeded to show that the effect of the measure now submitted to them, if it received the sanction of parliament, must be to bring a quantity of bad land into cultivation, which could not be made fit to raise corn upon, but at a great expense! In replying to the argument used with respect to rents, he stated that it was true when rents were low, there was no stimulus for farmers to exert themselves in the growth of corn, and that high rents rendered exertion necessary. But the stimulus was found in the low price of

their produce, which compelled them to increase its quantity. If it were true, as had been asserted by an hon. gentleman, that our manufacturers were beaten out of the market by foreign competition when wheat was at 65s. per quarter, what would they be when it should come to 80s. ? It was by the manufacturers, directly and indirectly, that a very considerable part of the taxation was paid; to touch the manufacturing interest, therefore, was to deteriorate the finances of the country. There was another and a powerful argument which ought to operate against the adoption of the proposed measure. If the House preferred an artificial to an inartificial state of currency, they would agree to the Resolutions; but they might be assured that if they kept up the price of corn, they would never return to a money circulation. He still maintained, notwithstanding what had been said by an hon. gentleman on that subject, that the high price of bread was in fact a bounty given to the grower by the consumer. The hon. member concluded, amidst considerable marks of impatience for the question on the part of the House.

Mr. *Fitzgerald* said, that it was not alone because he felt most earnestly on this subject that he desired to offer himself to the House, but because, exhausted as the House might be, and exhausted as the subject too was, he yet could not suffer the language of the hon. gentleman to pass without animadversion. The hon. gentleman had said, that he questioned not the motives of others, yet the whole of his speech was made up of the most unmanly insinuations. He would not condescend to repel them. The hon. gentleman had stated his argument as applicable to our manufactures, and he had instanced that of cotton; and the whole question of their competition in foreign markets with the manufacture of France, for instance, was a question of price. He should have told the House that it was a question of prohibition. Your cotton manufactures were prohibited in France without reference to any thing but their being British. They were prohibited in France, in Austria, and in other states. The hon. gentleman will assert, perhaps, that they may still find their way into foreign markets where they will have to meet the manufacture of France; but he could inform the hon. gentleman that they did not only find their way into these markets, but at this very moment large

quantities had been carried into France; certainly not under circumstances which could add either to the facility or the cheapness of their entry there—since the prohibition remained in force, and they could not expect it to be abandoned by the French. He doubted not that the hon. gentleman was not unapprised of the circumstances he alluded to. He would assure him of the fact; and it was sufficient to prove, that it was not a question of mere price. The hon. gentleman had smiled at his mention of Spain. But the House would recollect, that in that was included the supply of the South American provinces, which were yet dependent on the Spanish monarchy. The monopoly of cotton was secured to the Philippine Company; and though some relaxation in other parts of the commercial policy of Spain had been given, or hoped for, still in this article of cotton the system was rigidly acted on, and avowed to be for the purpose of protecting the cotton manufactures of Catalonia. But the first fact he alluded to would be sufficient. He could not have apprehended the rivalry of these states. He too, as well as an hon. gentleman who had preceded him, confided in the skill, in the industry, in the capital above all, employed in British manufactures—in the internal advantages of our country, our cheapness of fuel, the advantages of our inland navigation, and more than these, in the spirit of enterprize which had created for us these markets, and which he trusted would be beneficially employed. Still the hon. gentleman says, that if we perpetuate the artificial system of the country, there is an end to our hope of a returning circulation in specie. Why Sir, said the right hon. gentleman, the direct contrary as far as the effect of these resolutions, will be the result which we have a right to look for. When did our foreign exchanges become most adverse? When we were compelled to send out our gold as an equivalent for the supply of foreign sustenance. Much of it was merely owing to that; all of it in the year 1801 might be ascribed to that cause; and it is not a little remarkable, that it has begun to droop as the foreign corn has begun to come in in the last four or eight months, and as you have ceased to look to these countries for your support. But the hon. gentleman continues to assert, that we have fixed a price which can never be below 80s. He must remind



him, that the question of 80s. was not that now before the House; the question was, whether it was right that any thing should be done; whether the Report should be brought up? It was now a general question; and when we arrived at the particular resolution, it would be the right time to discuss the particular provision of price. But did the hon. gentleman mean to say, that it had not been already well argued on that ground? Why, Sir, the debate on a whole preceding night was on nothing else. The House had patiently heard the hon. gentleman and himself more than once to that very point. If he had been to be convinced, the speech of the member for Essex would have convinced him. The hon. gentleman chose to insinuate, nay it was no insinuation, for he had directly charged us with imposing a monopoly price on corn, with fixing a rate which never could be less than the protecting price; and this, too, says the hon. gentleman, imposed on the poor for the benefit of the landholder. In reply, we may remind him also, that in Ireland, now an exporting country, a country of which the population, although agricultural, has increased in an unexampled degree—in Ireland, which thirty years ago received her food from you, when the protecting price was about 38s. the barrel, a price correspondent with that of 63s. per quarter, the average price has been for the last six weeks 26s., that is, at the rate of 20s. and more below 63s. per quarter, your protecting price. And, as if to refute the hon. gentleman even when he allowed it, the price since the ports have been entirely shut, although he will admit beyond our protecting price, the fall has already been 3 or 4s. a quarter. I shall abstain, Sir, from arguing this as an Irish question. It is unnecessary so to argue it; it would be ungrateful to do so. Not a man has spoken who has not recognized our right to protection; and I hail the liberality which has, I may say, pervaded the House of Commons since these discussions have begun, as holding out a prospect of much more than these regulations can give, of a recognized community of rights, as a pledge of the sincere wish of the representatives of Great Britain and Ireland, for the concurrent prosperity of both. I will not recur, said the right hon. gentleman, to the periods of national jealousy, I look forward to the days of prosperity which are yet to come. I regard this measure

as one which gives the best pledge of it, as one which shews that you forget not that country which has contributed to the support of the empire, to its defence, and to its glory. I will not delay the House from coming to the decision which the hon. gentleman deprecates—nor have I myself ever given a vote with a more entire conviction that I give it in the right.

Sir *Frederick Flood* said, he did not expect to have heard it stated, as it was by an hon. member, that no arguments had been used in favour of bringing up the report. The most powerful of all arguments was, the majority of 209 to 65 in favour of the resolutions. He denied that he was partial or interested on this question; for he had not a rood of land in Britain, and only a very moderate property in Ireland. The opponents of the measure did not seem to understand the interests of the country. Gentlemen should read their books before they came there to speak; that used to be the custom in former days, but he was sorry to see that the manners of modern times differed very much from those of their predecessors. He could not read books now, but he could read letters; and that very day he had received seven from Ireland, declaring that such was their distressing situation, that unless speedily relieved they must stop the plough and the harrow. For his own part, he sincerely hoped the proposed measure would be adopted; and that neither Great Britain nor Ireland would prefer foreign aid to domestic supply. Before he sat down he must complain of a misrepresentation in some of the prints, in consequence of a misstatement by an hon. gentleman, resulting from a misapprehension. The hon. gentleman had chosen to make him guilty of a gross bull. [The hon. baronet pronounced the last word with an emphasis which excited universal laughter in the House.] The hon. gentleman had converted the bullocks which he (sir F. Flood) had talked of as harnessed to a plough in Ireland into bulls, and the misapprehension and mis-statement and misrepresentation had been copied into many of the country papers.

Mr. *Whitbread* professed his regret at having turned the hon. baronet's bullocks into bulls; but as he had seen a bull drawing the plough in England, he supposed that there might sometimes be six bulls so employed on the heavy lands in Ireland. With respect to his having advised

an hon. member (Mr. Marryat) to expose the state of his commercial profits, he had only done it in order to shew him the absurdity of his own argument. He had merely told him, that if he called on the land-owners to give an account of their rents, they had an equal right to ask from him an account of his profits. As to what had been said, that he would be found to have pretty well taken care of his own interests, he believed, from what he knew of the hon. gentleman, that this conduct on his part would only give the hon. gentleman a higher opinion of his sense. The grave soreness, or sore gravity, with which the hon. gentleman had commented on his expression, showed, however, that in that part of his speech, at least, he had not failed.

Mr. Courtenay followed in favour of the resolutions, on the principle of general utility; but declared, that for the purpose of giving as general satisfaction as possible, he would have no objection to lower the average to 76s.

Mr. Alderman Atkins asked, whether the House, from their experience of former measures, could say that the importation price had no effect on the price in the market? He should be ashamed of his own judgment if he could allow himself to be impressed with such an idea. Without ascertaining the proper mode of taking the averages, they were proceeding to fix the limit at which importation ought to be allowed.

Sir George Warrender said, if the whole lands of England were let without rent, it would make no alteration whatever in the price of corn. The price was regulated by the demand and not by the rent. He supported the resolutions, and hoped that 80s. would be found the *maximum* instead of the *minimum* of the price of corn.

Lord Lascelles said, he had objected to a measure similar to the present last year. From the necessity of the case, he, however, now felt no disinclination to grant relief to agriculture. He was deeply connected both with the agricultural and the manufacturing interest, and stated that he was not aware that any change had taken place in the sentiments of the manufacturers on the merits of the question. The nature of these was already sufficiently known, and he was sorry to differ from them. His object was, not to support the system of high rents, but, to use a technical phrase, to leave things to look downward. His present vote was

directed by the firm persuasion that in taking the line he was now following, he would best serve the interests of the community at large.

General Gascoyne declared his intention to divide the House on the question of bringing up the Report. If supported by a majority, he should then move that the Resolutions be recommitted, for the purpose of inserting 72 instead of 80s.

Sir Thomas Acland supported the Resolutions, and thought, that an alteration of the law, as it now stood, would be for the general good of the community.

Mr. Rose wished to remind the hon. general, that in voting for the bringing up the Report, he did not pledge himself to the latter sum.

The question was then loudly called for, and the House divided:

For bringing up the Report... 235

Against it ..... 38

Majority ..... —197

On the question, That the Report be now read,

Mr. Baring complained that the measure should be pushed a step farther at that late hour of the night.

Mr. Robinson stated, that not merely the principle, but the precise sum of which the protection price should be fixed, had been already amply discussed; he, therefore, saw no undue precipitation in proceeding.

Mr. Calcraft said it would be hard to go into a fresh discussion at that time of night, when it was impossible to expect attention on the part of the House. It would be his business to wade through three very long Reports, and he was afraid the House would not have patience to listen to him. [Cries of Go on.] The matter did not press in such a degree as to induce them to go on at that late hour. The ports were now closed. No gentlemen, surely, would wish to hurry the measure through with such precipitation as to give a foundation for any class of society to say that they had been taken by surprise.

Mr. Baring no sooner got up, than loud and repeated cries of 'Spoke, spoke! Chair, chair!' burst from every part of the House. After a few words from the Speaker, the hon. gentleman said, that it was only necessary to observe the impatience of the House, to be convinced of the propriety of adjourning the question. When he saw gentlemen coming down after midnight, resolved to attend to nothing, and with nothing in their mind but their vote, he

felt himself bound to move the question of adjournment.

Mr. *Horner* rose to second his hon. friend's motion, both on account of the lateness of the hour, and because he perceived symptoms of impatience in the advocates for the measure, which could not fail to prevent any thing like a patient hearing.

Mr. *Marryatt* trusted that the House would consent to an adjournment. Several returns of the average price of the quartern loaf moved for some nights since by an hon. alderman, and other papers ordered that very evening, had not yet been produced; and without being in possession of the information which they contained, it would be unfair to proceed any further with the Resolutions.

Mr. *Huskisson* was astonished that it should be supposed it was intended to press this measure through the House with undue precipitation. It was now ten days since the Resolutions had been proposed. For the greatest part of that time they had been attentively debated, and now the question merely was, whether the Report should be taken into consideration. The House had sat late some nights since on the Resolution which fixed the protecting price at 80s. On its opponents stating that new matter had been introduced, the debate had been adjourned till Thursday, and, after a discussion of twelve hours, that resolution had been confirmed by a division. Yet the hon. gentleman now wished to take a third, and a long view of the subject. He was anxious to hear what new matter he had to produce, and therefore did not wish that view should be postponed. He could not suppose there was any intention to create a clamour out of doors, in order to exercise an undue influence in the House. He trusted the character of parliament would not be compromised by tricks and shuffling, and hoped that the hon. gentleman, on considering the subject more maturely, would consent to withdraw his motion.

Mr. *Calcraft* complained of having been charged with a wish to create a clamour out of doors. Insinuations to that effect had been thrown out, which he regretted had not been withheld.

Mr. *Huskisson* did not know whether he was correct in calling to order—what he had stated was, that he hoped the House would consider that out of doors there were many opportunities, and many persons ready to take advantage of them, to create an undue influence.

Mr. *Calcraft* thought that this explanation only confirmed the charge of which he complained. It was not a direct one, but an insinuation that improper motives had existed.

The call for the question then became so loud, that strangers were ordered to withdraw, and a division took place.

For the adjournment ..... 42

Against it ..... 212

Majority ..... —170

The question "That the Report be now read," was then put; upon which the House again divided:

Yeas ..... 193

Noes ..... 29

Majority ..... —164

The question of adjournment being again moved by Mr. *Baring*, and seconded by Mr. *Horner*, was agreed to without a division, at two o'clock in the morning.

The following gentlemen voted in the minority on the above divisions:

#### *List of the Minority.*

Abercrombie, J.	Marryatt, Joseph
Atkins, John	Onslow, Serjeant
Allan, A.	Palmer, Colonel
Barclay, Charles	Philips, George
Baring, Alexander	Portman, E. B.
Bolland, Mr.	Protheroe, Edward
Buller, J.	Ramsbottom, J.
Butterworth, J.	Shaw, Benjamin
Calvert, Charles	Shaw, Sir James
Davis, R. H.	Smith, Samuel
Dundas, Hon. L.	Smith, John
Estcourt, T. G.	Smith, Robert
Fremantle, W. H.	Whitbread, Samuel
Hammersley, H.	
Harvey, Charles	TELLERS.
Horner, Francis	Gascoyne, I.
Lubbock, J. W.	Langton, W. Gore.

#### HOUSE OF LORDS.

*Tuesday, February 28.*

SCOTCH TRIAL BY JURY BILL.] The order of the day, upon which their lordships were summoned, being read, the House resolved into a committee on the above Bill.

Earl *Stanhope* deprecated the idea of their lordships considering the measure before the committee, as having the favourable opinion of the people of Scotland, without proof that it was so. An attempt to induce the members of the House to vote contrary to their own opinions, was like putting chains about their necks. They could not put one about his neck, nor, he hoped, on that of the noble and learned lord's opposite. The lawyers

of Edinburgh certainly differed in their opinions about the Bill, and in many other parts of that country they were hostile to it. In illustration of this, his lordship referred to some communications he had received from Glasgow and other places, and he expressed his hope that their lordships would follow their own excellent opinions with respect to the Bill, and not be dictated to by others.

The first enacting clause being under consideration, the Lord Chancellor moved as an amendment, that the words 'in matters of fact,' be left out. After a short expression of concurrence from lord Grenville, earl Stanhope rose, and as a friend to the trial by jury, generally begged leave to thank the noble and learned lord for his amendment.

A long conversation relative to the Bill took place. Lord Grenville objected to the extent of discretion allowed to the court, and moved to insert words to the effect, that cases of personal injury and verbal wrongs should imperatively be carried before a jury. The Lord Chancellor, after entering into some detail as to the practice of Courts of Equity, requested the noble lord to withdraw his amendment, and propose it in the shape of a substantive clause. To this lord Grenville agreed. A variety of amendments were made in the Bill, on the motion of the Lord Chancellor, between whom and lord Ellenborough a discussion took place respecting the mode of sending cases to a jury, which ended in the latter declining to propose any amendments. The Lord Chancellor and lord Redesdale urged the propriety of confining the measure to its present limited state, as most acceptable, under present circumstances, in Scotland.

The *Lord Chancellor*, when he came to the clause in the Bill which relates to the jury delivering their verdict, stated it to be absolutely necessary that there should be a provision to have it declared whether the Jury should act by a plurality of voices, or whether they should be unanimous in their verdict. He said, that he entertained a clear opinion on that subject, but it would be better discussed on the Report; and in order that that discussion might take place with the greater advantage, he should move to insert the words which were used in the Act of queen Anne, establishing trial by jury in 1707, viz.:—"that in all verdicts to be given by the jury, the whole number of twelve must agree."

The Marquis of *Lansdowne* returned thanks to the noble and learned lord for the manner in which he had conducted himself throughout, and for the attention he had shewn, and particularly for the amendment he had last proposed; without which, he could not have given his assent to the proposed measure; as from all he had ever heard or could learn upon the subject, the unanimity of the jury was the foundation and essence of the institution. That trial by jury formed the most excellent part of the judicial institutions of this country, and unanimity the best part of that incomparable institution; and he hoped the noble and learned lord would not allow the House to separate without declaring his opinion.

The *Lord Chancellor* said, that he did not mean to decline delivering his opinion, which was fixed and clear, from long practice, experience, and observation; and that he was most decidedly convinced that the principle of the Jury agreeing in their verdict was essential to that mode of administering justice; so much so, that he doubted whether any beneficial effects could result from the Bill unless this principle was adopted.

The Earl of *Lauderdale* strongly expressed his opinion in favour of unanimity, and stated, that since the act of parliament enabling juries to give their verdict verbally, when they were unanimous in criminal cases, no instance had occurred at Glasgow of a verdict having been given in writing, such progress had already been made towards unanimity.

Viscount *Melville* stated, that he had thought very anxiously upon the subject, with a desire to form a correct judgment, in order that this important institution might be introduced into Scotland in its best and most perfect form: that at times he had doubted, but after repeated consideration, after viewing the effects of it in this country, and being convinced that the people of Scotland would see the importance of having jury trial given to them in the shape in which it had been attended with so much benefit to the administration of justice in this country, he had completely made up his mind to adopt the words proposed by the noble and learned lord. It was not new in Scotland, having been used in the Court of Exchequer for more than a century.

The Duke of *Montrose* concurred entirely in the amendment of the Lord Chancellor, and observed, that he might have had



some difficulty in coming to that conclusion, had it not been that the measure was so framed as to be purely experimental. He was satisfied, that in the great towns of Edinburgh and Glasgow, where it would be first tried, and would be best understood, there would be no difficulty in carrying trial by Jury into execution, in this form, which in this country had been attended with so much advantage in civil cases, and he had no doubt the rest of the country would readily adopt it.

The Earl of *Rosslyn* entirely concurred in the opinion of the other noble lords, and rejoiced to find that there was not a single person in that House, either connected with Scotland or of experience in the law of England, who had any doubt upon this subject. He paid many compliments to the Lord Chancellor and Lord Melville, and was satisfied their opinions would have great weight in Scotland. He observed, that requiring unanimity created that disposition of mind which tended to produce an agreement by the attention it compelled the jury to pay to the case; and he had no doubt of its being well executed in that form in Scotland.

Lord *Erskine* could not let the measure pass in silence. There was no native of Scotland who had had so much experience of trial by jury as himself, and he was convinced that the unanimity of the jury was of the very essence of the institution. He could not but congratulate the House on the strong expression of their opinion on this material part of the Bill, and he thanked the noble and learned lord for having brought it forward.

Lord *Redesdale* went at considerable length into the principles which ought to govern in the constitution of Juries, drawing his conclusion clearly and forcibly in favour of unanimity, stating how important it was that the Amendment should be adopted, as the Jury would by this means be led to that deference to reason and that due and serious consideration of their subject which could not be obtained, where the matter was decided by a plurality of voices, because, in that case, the solution of every question of difficulty was by immediately proceeding to a vote.

The question was then put, and the amendment moved by the Lord Chancellor was carried *nem. dis.* The Bill then went through the committee, and was ordered to be reported on Friday.

## HOUSE OF COMMONS.

*Tuesday, February 28.*

KNIGHTS OF THE BATH.] Mr. *Gordon* wished to ask the right hon. the Chancellor of the Exchequer, whether he conceived it probable that he would be charged by the Prince Regent with any communication to that House, upon the subject of the newly created Order of the Bath. A modification, it was understood, had taken place in the fee-expense of this knighthood. Was the public or the government to pay any, and what part of this charge?

The *Chancellor of the Exchequer* replied, that he was not charged with any communication from the Prince Regent upon this subject, and it was impossible for him to foresee whether he should or not. He was not aware that the House or the public had incurred any pecuniary expense.

Mr. *Gordon* then gave notice, that he would bring the subject before the House on that day se'nnight.

MOTION ON CONTINUING THE MILITIA EMBODIED IN TIME OF PEACE.] Sir *Samuel Romilly* did not think it necessary to apologize to the House for again bringing under its consideration a subject of such great importance. It did not, however, stand in the situation in which it stood on his former motion.\* The definitive treaty of peace with France had at that period been but recently signed, and the negotiations at Ghent were still proceeding with little hope of their speedy termination. Those negotiations had since, however, been happily brought to a close; and although the treaty had not yet received the ratification of the president of the United States, there was no great danger that by a refusal on his part the war with America would be prolonged. It was true, that several of the militia regiments had been some time since disbanded; but the circumstance that a part remained embodied nine months after the treaty which secured the peace of Europe, and when no symptom of rebellion or insurrection existed in the country, afforded ample ground for parliamentary notice. The militia service exacted the most severe sacrifice from the lower orders of the people. To the opulent it was simply a tax; but to the lower orders it was a compulsory personal service, under circum-

\* See p. 563.

stances of peculiar hardship, of separation from their homes and families, of abandonment of their civil occupations, of deprivation of civil privileges, and of subjection to military law. It should, therefore, only be required when the exigencies of the moment demanded it; when the state was in immediate danger, when a foreign force had landed or threatened to land, or when an insurrection or rebellion had actually taken place; for the mere apprehension of one was not a sufficient cause for embodying the militia. The constitution required that the exercise of the royal prerogative of embodying the militia should be accompanied by a declaration of the circumstances which demanded it; that those circumstances should be stated to parliament, if sitting; and, if not sitting, that they should be summoned for the purpose of having them stated to them. Feeling as he did on this subject, he considered it as his public duty to assert that the regiments which remained embodied were so contrary to law, and that those which had been disbanded were illegally detained for some time previous to their having been so disbanded. To be aware of this, did not require great legal knowledge: it demanded only a knowledge of the principles of the constitution; and every county member was as competent to determine upon it as were the crown lawyers. He must once more protest against its being inferred, as the consequence of his doctrine, that the persons who were inrolled in the militia regiments could quit those regiments. They had no right whatever to do so. They were inrolled to continue "as long as the militia should remain embodied." The legislature had never contemplated such a dangerous proceeding as to leave in the hands of the militia themselves the power of judging on this subject. He begged, therefore, utterly to disclaim all those alarming doctrines which had been imputed to him.

Without going into the history of the militia from the earliest times, he would merely state that the King never had power to call for the personal services of his subjects except in cases of actual invasion and rebellion. The Act of Edw. 3, declared, that no man should be compelled to go out of his county, unless when necessity required, and in case of strangers invading the country. The preamble of the Act of the 42d of the present King, chapter 90, stated, that it was of importance to the internal defence of the realm,

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that the militia should be embodied; and the 111th section enacted, that in all cases of actual invasion, or in danger thereof, or in case of insurrection or rebellion, it should be lawful for his Majesty to draw out and embody the militia. There was no declaration of the time when the militia should be disembodied; but the legislature had thought proper to impose restraints on the prerogative of the Crown. It had been said, that the King, having once called out this force, might afterwards keep it embodied during his pleasure; and the only answer which ministers gave was, that they were responsible for their advice. He maintained, however, that every law ought to be interpreted, not according to the strict letter, but agreeably to its true intent and meaning. When all the causes of calling out the militia ceased, there was no ground for keeping it embodied. The Crown, no doubt, had great discretion in judging when those causes ceased; but if it were clear to every man, that every cause had ceased, there was no longer any ground for the exercise of such discretion. If ministers would say, that there was any danger of invasion, or that there existed any rebellion or insurrection in the country, they would then be justified in keeping this national force embodied; but they could not pretend that any of those cases existed; for there was not the smallest danger of invasion, and there had been scarcely a period in his Majesty's reign in which the country was more tranquil than at the present moment. He repeated, therefore, that it was not only a rule of law, but also a maxim of common sense, that '*cessante causâ cessat effectus.*'

It had been urged, however, that there was a construction of this law by usage; and that while a war continued, the probability of invasion was to be inferred. But this construction could not be maintained; for he defied his Majesty's advisers to produce an instance where the militia had been kept embodied, except in time of actual war, and when the enemy threatened to invade our coasts. At the conclusion of the last war, the ministers of that day did not keep the militia embodied. And yet, what were the circumstances under which that peace was made? Did any man acquainted with the situation of the country think that it was likely to be of long duration? Could it be forgotten, that the man who was then at the head of the French government, under the modest title of First Consul, had made alliances

with different powers, and cherished the most inveterate hatred towards this country? And yet, with the knowledge of all these circumstances, within a fortnight after the news of the definitive treaty of peace having been signed had reached this country, the Secretary of War considered it expedient to bring in a Bill to augment the militia. The noble lord, in whose department this matter now rested, (lord Sidmouth) was then at the head of the administration; but neither he, nor those who acted with him, dared to give such interpretation to the law as they now thought proper to advance. At present they entertained a different opinion; and perhaps they thought that the exultation which the last peace had produced, would be a good opportunity for imposing additional burthens on the people, and calling on them to make fresh sacrifices. He did not know whether they entertained such notions; but this he would say, that till the present period his Majesty's ministers had never ventured to give such construction to the law. He had seen the Opinion of the Crown Lawyers,\* which was avowed by ministers, and said to speak their language. He must beg leave, however, to call the attention of the House to the subject of publishing the law of the land by the opinion of the law officers. This, he contended, was quite a new practice; and he would add, that the opinions of his Majesty's Attorney and Solicitor General were not entitled to any more authority than those of any other two barristers who had not the same advantage of the royal favour. The opinions of such persons would, indeed, be entitled to more consideration, because they would not be given under any bias. But it appeared, that the opinions of the Attorney and Solicitor General were to be taken as declaratory of the law, and that the colonels of regiments were to read them at the head of their men, in order to remove all doubts upon the subject. But what would the House think of this matter? He would refer to the case of raising ship-money under the reign of Charles I. Did they suppose, that if the opinion of sir John Finch, who was then attorney-general, had been taken on that measure, that it would have been satisfactory to the nation? It was extremely improper, that the law should be received, not from the judges, but from those who were to act the part

of advocates for the Crown. He was well aware that these opinions came with more weight to the country, since they were the opinions not of the Attorney and Solicitor General only, but also of the chief justice of Chester, [hear, hear!] who might have to decide on this very law in his judicial character. It was therefore the opinion of a judge, given at the instance of his Majesty's ministers. But how had those ministers acted? They had first taken their measures, and then asked for advice; they had kept the militia embodied, and then inquired whether they were impeachable for what they had done. Could any man suppose that they would not take great pains to procure an opinion favourable to themselves? With respect to the opinion of the chief justice of Chester, he would repeat, that it ought not to have been given; since a judge ought not to give an opinion till he had heard the whole matter in dispute, and attended to the arguments of the contending parties.

But the circular letter from the Secretary of State to the colonels of militia said, that some doubts having been expressed as to the legality of keeping the militia embodied, the question had been referred to the Attorney and Solicitor General, and the law being thus ascertained, the colonels were to read it at the head of their regiments, for the purpose of satisfying the minds of their men. The two first lines of that answer were, however, not a little remarkable. "We have had the honour," said the Attorney and Solicitor General, "to receive your lordship's letter of yesterday's date." Now he thought, that it would have been proper to take more time than twenty-four hours to look into the old law upon the subject, and to ascertain the extent of the prerogative of the Crown. The question which ministers had asked was, whether it was imperative on the Crown, under any circumstances, to disembody the militia: and the opinion said, there was nothing imperative in the Act; that there was a discretion in his Majesty's ministers, subject to responsibility, if they advised the Crown to continue the militia embodied improperly, when the circumstances of the country did not make it expedient. We had often heard of necessity being urged in defence of an illegal measure: but that was the tyrant's plea; and therefore, instead of necessity, we had here the word expediency; so that as long as ministers should think it expedient

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\* See p. 567.

to detain men from their families, and subject them to all the severities of martial law, there was no remedy but the responsibility of the advisers of the Crown. But, was this a sufficient answer to the people? In what time, in what country, under what arbitrary government, were not ministers responsible? Was it because ministers were said to be responsible, that the militia were to be kept out, when they ought to be disembodied? Should the security of our liberties depend on what ministers might deem expedient? Our ancestors, whose wisdom had been the theme of such frequent panegyrics in that House, had thought proper to impose restraints on the prerogative of the Crown; but the Attorney and Solicitor General said, that as long as any part of the militia remained embodied, ministers might call out again such part as had been discharged: for it was also laid down in the opinion in question, that whereas by sect. 144, of the Act of the 42nd, it was declared lawful to disembody any part or portion of the militia, after being embodied, and from time to time to draw out again such part or portion so disembodied, they were of opinion that if the external relations and internal situation of the country were such as to call for and justify a reduction of any part or portion of the militia, it was in the power of his Majesty's ministers, in the exercise of the discretion vested in them, to suspend any order issued for such reduction or disembodiment, but not carried into execution; and further, as long as any regiment continued to be embodied, under this section, to call out again all the rest of the militia actually disembodied. According to this opinion his Majesty's ministers might, at any time when they deemed it expedient, call out again the whole of the militia now disembodied. The House ought to reflect on the use which might be made of this doctrine in after-times. One stretch of authority led to another. By this stretch of power in the present case they were securing a similar privilege to his Majesty's ministers in all time to come. By keeping one regiment on foot they might at any time call out the whole of the militia, without any impediment from those safeguards which the legislature had thought proper to devise.

The hon. and learned gentleman then went into an examination of the doctrine maintained, that because by the Local Militia Act the local militia could not be

kept embodied six weeks after the enemy being repelled, or the suppression of an insurrection, the Crown was not called on to disembody the militia, as there was no similar specification in the Act of the 42nd. Would any man say that an act of parliament which underwent no discussion at the time it passed the House, could be understood to throw any light on the intention of parliament when they passed the Militia Act? No inference whatever could be drawn from this. The single question after all was this—whether, the causes for calling out the militia having ceased, the power of keeping them embodied ought not to cease also? This doctrine of the Crown could not but be attended with the most fatal effect. The tendency of most of the measures of late years adopted with regard to the militia, was to leave every thing burthensome, and to take away every thing beneficial in that service. They made the service such that every day men of landed property were more and more disinclined to enter it. He would ask whether more effectual means could be taken for preventing a man from accepting a commission in the militia when the country was in danger, than the idea that his services were to be continued as long as ministers should think fit, on the pretext that a balance of power was not yet adjusted? But the greatest hardship was, in his opinion, that suffered by the privates, who not having the means of procuring substitutes, were compelled to serve in person, and subjected to the cruel severity of the military law against their wills. He could not help adverting to the expressions made use of by an hon. baronet not now present (sir Francis Burdett), by which he qualified the military law. Such, he had said, were the severities of the military law, and such the liability to be compelled to serve in the militia, that every man in this country might be said to be subjected to the lash. He did not altogether approve of the expression made use of; but he could not avoid thinking it extremely hard that these men should be called out to defend their wives and children and their country, and be kept embodied so long as his Majesty's ministers should deem expedient; or so long as one independent nation should be transferred to another on hypocritical pretences, or so long as we should think proper to keep up a military force on the continent. The hon. gentleman concluded by moving,



"That nine months having now elapsed since the definitive treaty of peace with France was signed; and this country having during the whole of that period been at peace, not with France only, but with every power in Europe; and no cause whatever having existed, or now existing, for apprehending invasion by a foreign enemy, or any insurrection or rebellion within the realm; it is contrary to the spirit and true intent and meaning of the Act of 42 Geo. 3, c. 90, to continue any part of the militia force of this country still embodied."

Mr. *Bathurst* complimented the hon. and learned gentleman on having very fairly stated his own opinion upon the subject; but he said it appeared to him that he had only taken a partial view of the matter, and had omitted to notice one part, which he had, perhaps, not thought necessary to the question. He had not alluded to our exact situation with respect to America, as we were actually at war with that power when he made his former remarks; and he must know that we were carrying on the war at this moment, and must continue to do so until peace was completely attained. With respect to our foreign relations, it had been thought necessary to keep up large military forces, till every thing was settled on the continent; and thus our situation, so far from being different from what it was when the hon. and learned gentleman brought the subject forward before Christmas, was in fact exactly the same. The propriety of keeping our forces on the continent was a topic on which other considerations are existing. He therefore thought that the hon. and learned gentleman had varied the point, because on the former occasion he drew a distinction between the spirit and the legality of the Act; but at present his remarks could not be considered as a fair construction of it. The hon. and learned gentleman had admitted, that in the words of the Act, there was no limitation to be found as to time, and he had correctly described the circumstances under which the militia might legally be called out; but he (Mr. *Bathurst*) contended, if it had been designed that the militia should not be kept embodied after the cause which originally called them out had ceased, that the same caution would have been observed in providing for their being disbanded, as was thought necessary when describing the circumstances under which they were to be em-

bodied. The militia had been kept up under existing circumstances on the responsibility of ministers. The hon. and learned gentleman had worked himself up to say, while speaking of the responsibility of ministers, that the ministers of every country were responsible. Did the hon. and learned gentleman really mean to assert this? If he did, he could wish to know what he meant by responsibility. If he meant that they were responsible to the despot whom they served, he would admit the fact; but he would deny that they were responsible to the people. The measure of keeping up the militia did not, in this instance, rest wholly on the responsibility of ministers, as it had the approbation of parliament, who, six months after the peace was concluded, had sanctioned their remaining embodied, by voting the sums wanted for their pay, clothing, &c. That House had negatived the motion brought forward by the hon. and learned gentleman before Christmas, and immediately after had voted the continuance of the militia for two months longer. Under these circumstances, he contended that this measure was not one which rested on the mere responsibility of ministers, but on the admitted necessity of the case. With the view the hon. and learned gentleman took of the subject, why, instead of bringing forward abstract questions, did he not move the House to address the Crown to recall the army now abroad, or to withhold the supplies demanded to pay and maintain them? The hon. and learned gentleman had seemed disposed to assume that the country could only be in danger of invasion from a neighbouring country. Would it be maintained that means were not to be taken to guard against such an event, not only when we were at war with France, but also when we were at war with Spain, with Russia, with Denmark, or with any other country? But the militia had not been called out merely when invasion was actually expected. At the time lord North called out the militia, he had stated invasion to be a mere bugbear. The principle had been admitted, that the militia were to be kept embodied to enable the government to send out the regular army, when this became necessary for the security of the country. The propriety of using the militia in this manner must be acknowledged; for ought a nation like this to keep her armies in a state of inactivity, till an ambitious mo-

narch, her enemy, having conquered Moscow or Vienna, should be enabled to turn all his forces to her subjugation? If it was legal to use the militia, that the regular force might be sent on foreign service, it must be seen, that ministers, under the present circumstances of the country, were justified in not disembodimenting it. Though peace was signed, we were not yet in a state of peace with America, and a considerable British force was at present necessarily employed on the continent of Europe. This situation of things made it expedient to keep the militia embodied after the war was considered to be terminated; and in doing this, ministers had met with the concurrence of parliament. He defended the conduct of ministers in continuing to keep up some particular regiments of militia which had been ordered to be disembodied. This, at the time, was found expedient; and did the hon. and learned gentleman mean to say it was the duty of ministers to take the opinion of the judges on the subject, before they decided on such a measure? With the opinion of one of his learned friends (the Attorney-general) the hon. and learned gentleman had quarrelled on account of his being a judge. This was a little remarkable, after he had expressed a wish that the opinion of the judges should be given on the subject. The militia once called out, he again contended, might legally be kept embodied by ministers so long as the situation of the country made such a measure expedient. The argument of the hon. and learned gentleman, when speaking of the peace with America, if he were disposed to take it up, would go to justify ministers in keeping up the militia in time of peace, lest America, or France, or some other power should not be faithful to its engagements. When the militia was disbanded after the peace of Amiens, things were on quite a different footing from what they had been in since the treaty of Paris. The peace, at the time that measure was resorted to, had been definitively concluded. Since the last peace was signed, great questions had still been pending; part of our regular army was employed on the continent, and to supply their place it had been necessary to keep up the militia. When this subject was last brought before the House, it had been truly stated, that more regiments of militia would be disembodied as soon as this could be safely done. This promise had

been observed, and the remainder would be disbanded as soon as that conclusion had been put to the pending negotiations which they had every reason to hope and believe would shortly take place. He admitted the cause of the militia having been called out, but he maintained that circumstances had justified its being kept up. The principle on which ministers had acted in this instance, had been recognized by parliament in the distinction made between the old militia and the local militia, in determining with respect to the latter, after what period it should be disembodied. The regular militia had always been intended to be left to the discretion of ministers on their responsibility, subject to the control of parliament. He denied that this force so kept up with the consent of parliament was at all to be compared to a standing army, and repelled the assertions made by the hon. and learned gentleman as to the injury which the militia itself must sustain from the course pursued by ministers on this occasion. As to the evils complained of with respect to the personal feelings of the individuals in the militia, who were kept from their homes, compulsorily made to serve, and subjected to the lash, (to use the words of an hon. baronet)—[Sir S. Romilly said he had not used such words.]—Mr. Bathurst said, he had uttered them as the words of an hon. baronet. This was the picture drawn of persons subjected to military discipline. In the militia, however, it would be found, that not more than one in ten served for himself; the rest were substitutes serving from choice. He did not mean to undervalue the sacrifices made by these persons, but asserted them to be necessary for the general good of the country. They might think their case hard when they saw other corps disembodied; but this was but a comparative, and not an absolute hardship. They might think it unlucky that their regiments were not among those who were first disbanded; but while a partial disembodimenting of the militia was not unlawful, this could not be prevented. The right hon. gentleman briefly recapitulated his objections to the principle of the motion; and asserted, that what had been done by ministers in the present instance, had already received not merely the tacit, but the positive approbation of parliament.

Mr. *Abercrombie* said, he conceived, till he heard the right hon. gentleman who had just sat down, that the question the

House had to consider this night was, whether any reason could be given for keeping up the militia. Parliament had determined under what circumstances it should be called out; but as they could not determine when that cause should cease, no time for disembodiment had been fixed. It was now for the House to consider if any of those causes now existed, and if in their absence ministers could justify keeping it embodied. The right hon. gentleman had at one time seemed disposed to rest his arguments on the American war. Did he mean to say, that an invasion was to be apprehended from America? This country had formerly been at war for several years with America, before the minister thought of calling out the militia. It was not called out in the former American war till France took a part in it. Now, however, the great evil against which it was designed to protect the country was treated as a bugbear, and the people were juggled out of the sums necessary to support it, when no occasion for it was shewn to exist. The right hon. gentleman had found that the American war was not enough for his argument, and he then gave the true reasons for its being kept up—the necessity of supplying with the militia the place of the regular troops now employed in Flanders. The right hon. gentleman considered parliament to have sanctioned this measure because they had voted certain sums on account, which were called for by the noble lord (Palmerston) before Christmas, and which were stated to be but a small part of those necessary to meet the military expenditure of the year. To press this as a proof that the measure had been considered and approved of by parliament, was unjustifiable. The right hon. gentleman had said, that the militia being kept embodied, had not been felt as a hardship to the extent supposed, as not more than one man in ten served compulsorily. This statement might be correct, as to the number of persons serving for themselves, compared with those of substitutes; but he could state, on perfectly good authority, that their not being disembodied was a grievance which was deeply felt and complained of.

The Hon. *R. Douglas* observed, that all the arguments of his hon. and learned friend had reference to the period at which the militia was to be called out, not to the time at which it was to be disbanded. For many years there had been no danger

of invasion; the militia, therefore, according to the arguments which had been used, should have been disbanded. The militia, it appeared to him, might be kept up at any time when it was thought necessary to send the regular force out of the kingdom, since in war there might always be supposed to be danger of invasion. In the late war not only the commerce, but the coasts of the kingdom were exposed to annoyance from the American privateers. In the case of the militia law, as of other acts, the enactments might remain, when the circumstances of the preamble no longer existed; therefore it was not, in his opinion, necessary that the militia force should be immediately reduced, when there was no longer danger of invasion, insurrection, or rebellion.

The *Attorney General* said, that if he did not offer himself to the attention of the House, it might be supposed that he had changed his opinion; but notwithstanding what had been said, that opinion was not only unaltered but confirmed. When the subject was first discussed, he had only been able to support his opinion by what reasons he could adduce: now he could confirm it by all the arguments they had heard on the subject. His hon. and learned friend, taking for his text the opinion which had been spoken of, had observed, that that opinion was delivered on the day after the case was stated to them (the Attorney and Solicitor General). This observation was to be answered by another observation of the same hon. and learned gentleman, that the subject was involved in no technical difficulties, and could not fail to be understood by any county member, not at all habituated to the consideration of legal questions. His hon. and learned friend, and the other learned gentleman near him (sir A. Pigott), when they filled the two offices of Attorney and Solicitor General, might remember that they were often called on to deliver opinions more suddenly than they could wish. The opinion he had delivered was, however, not stated, until he had conversed with several gentlemen of the profession, none of whom had entertained any doubt on the subject. In delivering that opinion, they had not assumed any power of promulgating the law on the subject with authority; nor would it have been proper that the judges should have been called on to deliver their opinion. The judges would, he believed, have hesitated before they had delivered their

opinions on such a subject, which might have come before them in their different courts. He allowed that the opinion of any other two lawyers in Westminster-hall, of the same standing, would be as valuable as that which had been delivered by himself and his learned friend; but he could not allow the validity of the argument, that the opinion in question was to be less regarded because they were supposed to be biassed by the Crown. On the supposition that they were well disposed towards the Secretary of State, was it to be argued that they would have delivered an opinion for his private information, by which he would have been led to act illegally? On the contrary, any opinion which they should thus give, would of course be given with a more than ordinary degree of caution. With respect to the remark of his hon. and learned friend, on the propriety of his combining the two offices of chief-justice of Chester and attorney-general in his own person, he would remind him, that he was not the only person who had held those two situations; and he was convinced that if the noble lord (Kenyon) who was once appointed to them, had conceived that there was anything objectionable in the appointment, he would have declined holding the two offices. Cases had, however, occurred, in which the judges were called on for their opinions, on points that were likely to come before them judicially at some future period. Of this description was the question propounded to all the judges, with lord Mansfield at their head, who, being asked whether an individual who had been in the army, but who had withdrawn himself from the service, could be tried by a court-martial for offences alleged to have been committed while he was connected with it, answered in the affirmative; reserving to themselves, if the case ever came before them, a right to alter their opinion, if on farther consideration it appeared necessary. When he and his learned friend the Solicitor General gave their opinion, they had not stated that it was lawful for the King to keep the militia embodied as long as ministers thought fit; but the case was, that being asked whether any precise time was fixed in the Act at which the militia was to be disembodied, they had answered, that no precise time was fixed, though the Act manifested a great anxiety that the time should not be unnecessarily prolonged, but that the time of disbanding was left to the discretion of

the Crown; always remembering that the ministers acted on their responsibility in advising the Crown to continue the militia embodied. Now as to the use which had been made of the opinion, he thought it fair enough, though he had not been consulted on the subject. The militiamen who were put under martial law might, when they heard it said that it was an illegal act to keep the militia embodied, naturally conceive that it was also legal in them to subtract themselves from that service. It was right, therefore, that his Majesty's ministers, in order to keep them tranquil, should let them know, not only that ministers acted on their responsibility, but that they had taken the opinion of their ordinary legal advisers.

Sir A. Pigott said, it should be his endeavour to bring back the House to the real merits of the question, from which it had widely deviated. The present measure of keeping the militia embodied had been defended on the practice of ministers. He considered it of the deepest importance to the country that the act of parliament relative to calling out the militia should be well understood; and if it were not, he thought the legislature should take the earliest opportunity to make it so. It was a question of law, and he had never yet read a law book which directed him to look for legal information in the practice of ministers. If he did, he should say that ministers only laughed at the act of parliament—they made it a jest, and had always some bugbear or other to render it of no avail. The Act absolutely required that before the King should be allowed to call out the militia, he should be able to prove to his people by proclamation, either that there was an invasion, imminent danger of an invasion, a rebellion, or an insurrection in the country. In 1792, when the militia was called out by proclamation, it was ridiculed by every one. There was no invasion, nor danger of invasion—no rebellion—no insurrection—nothing but the noisy brawling of a few dirty boys at Dundee, which ministers were well assured was put a total stop to before the proclamation was issued; and yet the proclamation in 1792 stated, that this act of parliament was enforced on account of existing riots and insurrections; and his Majesty afterwards, from the throne, addressed both Houses of parliament in the same language, when he thus accounted to them for calling them together in fourteen days notice. At a former period of our history,



when there was a rebellion in America, the war was carried on for several years without the militia being called out at all; nor was the measure ever thought of till France insidiously lent her aid to our colonies, and then no one could deny that there might not be imminent danger of an invasion. At the treaty of Amiens every body was aware that the peace was not likely to be of long duration, and yet the militia was speedily disembodied after the peace was made. The House ought to look at the principle on which ministers were acting at present. The right hon. gentleman (Mr. Bathurst) had confessed there was no danger of invasion, but avowed the conduct of ministers in keeping up the militia was justifiable; because we were under the necessity of having a large force on the continent for the purposes of government. What, then, was the amount by which ministers might be confined? It had been argued, and was stated in the written opinion of his hon. and learned friends, that there were no words which say when the King shall disembody the militia. True: but surely there must be a time; they could not be kept up for ever. The Act said most expressly, 'You shall not call out the militia, and march them from their own counties, but for special purposes.' When, therefore, these purposes no longer existed, the cause for keeping them together ceased. How monstrous, then, was it to say, that when all the causes had ceased, his Majesty might continue to keep the militia embodied! He was of opinion that to keep up the militia, because it was thought wise to keep a part of our regular force on the continent, would be to give the Crown new powers, of which he did not see the limits. It was to give the King a sword which he might keep as long as he lived. Because the House of Commons voted the pay of the militiaman, as they must do while he continued embodied, it was not to be assumed, that ministers were not responsible for omitting to disband the militia. As well might it be assumed, that ministers were not responsible for the use of the army, because that House had voted its pay.

The *Solicitor General* began by vindicating the motives from which he, and his learned friend the *Attorney General*, had acted, in giving their opinion to his Majesty's government, and declaring, that for himself, and he was sure he might say as much for his learned friend, he would

not be found one moment in the office he had the honour to hold, if any administration were to require from him a legal opinion different from what his conscientious belief might be. He could safely affirm, that though he had given many opinions which he feared were erroneous, he had never ventured to deliver one that was not honest. As to the influence which the opinion of the law officers of the Crown might be expected to have, he never entertained the idea that they were to be put forth to guide the public judgment, nor did he apprehend that those opinions could have any thing to do with the discussions in that House. His hon. and learned friend who spoke last had contended, that though the Militia Act contained nothing which was imperative as to the precise period at which the militia ought to be disembodied, yet, the occasion for calling them out having ceased, it became the bounden duty of his Majesty's ministers to advise that they should be disembodied. In his opinion, that mode of argument was giving up altogether the first part of the question, as to the illegality of continuing the militia, and making it a matter of discretion on the part of ministers to advise that they should or should not be disembodied, according to the peculiar circumstances of the times. In the Local Militia Act it was distinctly enacted, that six weeks after a given event they should be disembodied; and why was not a similar provision introduced into the other Militia Acts? For the best of all reasons; because, though they were called out but upon particular emergencies, yet, when those emergencies ceased, there might still be existing circumstances deeply affecting the general interests and safety of the country, which would render it advisable to continue them embodied for a further time. With respect to the illegality, therefore, of keeping the militia embodied, having given the subject as much consideration as it was in his power to do, he was still of the opinion, conscientiously and without any bias, that the Crown having called out the militia upon a legal occasion, it was not imperatively bound to disembody them upon the ceasing of that occasion; continuing them so embodied, subject, of course, to those checks and that control, which the parliament could constitutionally exercise. Accordingly it was not stated, nor was it intended to be stated, that the King was

bound to disembody them at any particular period. As to the propriety of now continuing those regiments embodied which were not yet disbanded, he should not discuss that question, because he was not sufficiently acquainted with all the causes that influenced ministers in their determination. He should only observe, in conclusion, that he felt some satisfaction in reflecting that the opinion which he had given, and which he still maintained, was sanctioned by the concurrence of high authority in another place.

Lord *Milton* said, that he was not in the habit of paying compliments: but from all that he knew, or had ever heard of the hon. and learned gentleman who had just sat down, he was disposed to feel the highest respect for his judgment: but he thought he had, on the present occasion, narrowed the question too much. An apology was certainly due from him (lord Milton) for venturing to give an opinion upon a legal subject; but he apprehended, the present was one that embraced other views of it than those which were merely technical. He could not help thinking, from the manner in which the questions had been put by lord Sidmouth, in his letter to the law officers of the Crown, that they were of a nature similar to what, in courts of justice, were called leading questions; and that the law officers could not, in point of fact, give any other answer than the one they did. Ministers need not have asked, whether it was imperative upon the Crown; from the words of the Act, to disembody the militia, because it was impossible to read the Act without seeing there was nothing in it which could be construed into such a positive provision—[Hear, hear! from the ministerial benches.] He anticipated that cheer; but the hon. gentleman would surely remember, that in every case they ought to consider the spirit and scope of an act of parliament, as well as the letter; and was it possible to take in the whole of the militia laws and maintain the argument that the militia was a force which might be kept permanently standing during a period of peace. That, however, was the amount of the opinion expressed by the hon. and learned gentlemen opposite; and it was one which no person, whose mind was not sophisticated with legal quibbling, would venture to support. His hon. and learned friend (sir S. Romilly) had been accused of inconsistency, because he contended, that though it was

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illegal to continue the militia embodied, yet it would be also illegal if any militia-man were to refuse to march at the command of his officer. For his own part, he saw no inconsistency in that argument, for while the militia did continue to be embodied, they were subject to the disposal of the Crown; and it was another question whether the Crown was acting illegally in so continuing their services. It might be illegal in the Crown to do a certain thing, and yet it would be equally illegal in the subject to question the conduct of the Crown. He knew, indeed, of no process by which a militia-man could try the question without first committing some act that should make him amenable to a court-martial. He contended that ministers kept the militia embodied upon flimsy pretences. A right hon. gentleman (Mr. Bathurst) had said, that no complaints had been made by the militia-men who continued embodied. He would venture to say, however, that such was not the fact. He had himself received a letter, written in no measured terms, from a militia-man in the North York militia, complaining of the grievance he suffered by not returning to his home now the war was concluded; and a noble relative of his, who introduced the subject in another place, had received a memorial, signed by above 300 individuals of the Derby militia, complaining of the same grievance: and yet the right hon. gentleman, with all the insolence of a minister, had come down to that House, and stated that no discontent existed. In his opinion they had a just right to complain of unfair and cruel usage in being kept embodied "under the iron hand of military law." It was too bad to insult the House by stating that no complaints had been made. If, in case a new European war should break out, ministers wished again to fill the ranks of the militia, let them now keep their faith with the militia, and not put it in the power of the disaffected, those who were always ready

"Spargere voces in vulgum ambiguas," to tell the men, 'Recollect that language, and those promises which were held out in 1803, and broken in 1814.'

Mr. *Bathurst* explained. What he had stated was, that complaints had not generally been made by the militia regiments still embodied. With regard to the manner in which the noble lord had expressed himself, he would leave the House to judge whether upon that or any

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other occasion, the epithet could be more justly applied to him than to the noble lord.

Lord *Milton* explained. He had not affirmed that complaints were general among the militia regiments, but only in those which came under his knowledge; and, inferring from them, it was natural to suppose that they existed elsewhere.

Sir *Mark Wood* stated, that the regiment of militia to which he belonged had been much dissatisfied at the idea of being disbanded; and that when they were told there would be occasion for the continuance of their services, every symptom of dissatisfaction had disappeared. The argument with respect to the disembodiment of the militia, would have been urged with more force five or six years ago; for when Buonaparté was losing his armies in Spain, whilst the praams lay rotting in his harbours, and he had not a single vessel at sea, there certainly was no danger of invasion. Was Ireland now in a state to be left without a military force? There was no police in that country; and it would have been inhumanity in ministers to have withdrawn the militia which maintained its peace. A noble lord had said, that the militia was suffered to continue in time of peace. Was this a time of peace, when the ratification of the treaty with America had not yet been received, and the continent of Europe was not yet settled? He wished, should a new act be produced on the subject, all the present grounds for calling out the militia should be left out; that the right of doing it should remain at the discretion of the Crown; but that ministers should come down to parliament, to explain the grounds on which they should adopt the measure, that it might be confirmed or withdrawn, according as its propriety should be made more or less apparent.

Lord *Stanley* supported the motion. He thought, that although no specific time was marked for the disbanding of the militia, it was clearly implied. He believed that the complaints were much more general than the right hon. gentleman supposed. He understood that great discontent was felt by those regiments that were kept in Ireland.

Sir *Frederick Flood* defended the state of the police in Ireland. There were 68 resident magistrates in the county of Wexford, who had kept the peace without the aid of the militia. He approved of the interchange of the regiments, as it was

right that the people of England should know the character of Irishmen, and the people of Ireland that of Englishmen, to tighten the bond of the Union.

Mr. *Lyttelton*, when told by high legal authority, that it was left at the discretion of the Crown to keep the militia embodied as long as it pleased, considered that declaration a subject of sufficient alarm: but when it was added, that so long as Ireland should be dissatisfied, it would be necessary to keep the militia on foot in order to subjugate the people of that country, he must think that we stood in a very precarious position. He disapproved of keeping up a great militia force in time of peace, not only on constitutional grounds, but also on account of the great augmentation of expense, which was a circumstance that ought not to be lost sight of at the present moment.

Mr. *Addington* wished to set a noble lord right with respect to the Derbyshire militia. That regiment had arrived in their own county, and he believed in the very town of Derby, for the purpose of being disembodied, when the order reached them for continuing longer embodied. Upon this a number of them, amounting to 120, and not to 300, as had been stated, presented a very respectful memorial, asking an explanation of the reason of this order. The memorial was sent by sir H. Torrens, to the department to which he had the honour to belong, and an answer was immediately returned. After the receipt of this answer, there were no symptoms of dissatisfaction in the regiment. As to the manner in which the case had been stated for the opinion of the law-officers, he did not know how the question could have been put in any other way more likely to elicit a full and satisfactory opinion as to the point of law.

Sir *J. Newport* observed, that if the proceedings of Congress formed a ground for maintaining an additional military force in this country, then the mighty promises and flattering prospects held out on that subject were merely delusive; and as to Ireland, he could assure government, that if it calculated only upon preserving that country by a military force, the tenure of it was very feeble indeed. He added, that if the police were ineffective in Ireland, the fault must rest with the administration.

Mr. *Peel* asserted, that a military force was never called into action in Ireland but in aid of the civil power, while go-

Government had made every due provision for the efficiency of the latter. With regard to the expression of 'subjugating Ireland,' he deprecated the use of it as utterly inapplicable to the case of that country, and to the disposition of the British government. Sure he was, that nothing was farther from the intention of government than to employ English soldiers for the purpose of oppressing Ireland, and he was sincerely sorry that such an insinuation should have escaped an hon. member. The friendly disposition, indeed, of government towards Ireland, was, he thought, sufficiently manifested in the measure in progress through the House with respect to the corn laws.

Mr. *Lyttelton* explained, that he had been misunderstood. If he had said what was attributed to him, he had done so with a reference to the view of the subject taken by the hon. colonel.

Lord *George Cavendish* said, that there had been great mistakes about the Derbyshire regiment. It never had reached the town of Derby in order to be disembodied, and had proceeded no further than Banbury.

Sir *S. Romilly* replied with considerable force to the several speakers against the motion. The Militia Acts admitted, he maintained, bot of two constructions, either that the militia should remain embodied only until the cause specified in those acts ceased to exist, or that that force might be kept embodied as long as the Crown thought proper; and he would ask, whether the crown lawyers, or any lawyers in the country, were prepared to sanction the latter construction? He would assume not; and yet, such was virtually the meaning of the argument and authority by which this principle of his motion had been resisted. As to the grounds stated to support the plea of expediency, by which it was attempted to justify the measure his motion deprecated—such, for instance, as the continuance of a war with America, the proceedings at Congress, or the existence of what was called a party spirit in Ireland—he could not conceive when such grounds were likely to cease; for we had, and were always likely to have, a party spirit in this country also; and therefore if the existence of a party spirit were held to warrant the keeping of the militia embodied, he could not suppose a time when that force was likely to be disembodied. After observing, that the politico-judicial opinions which had

been delivered elsewhere upon this subject, were by no means entitled to the weight of judicial decisions, the hon. and learned gentleman stated his conviction, that whether the minister acted illegally or unconstitutionally or not, the militiaman was bound to adhere to his oath, and amenable to military law: but if illegally punished, how could the soldier obtain redress unless by an action which must follow his endurance of the punishment? Adverting to the remarks of the right hon. gentleman (Mr. Bathurst), upon what he was pleased to call his (sir Samuel's) pathetic lamentations for the privations and suffering of the militia retained in service, he animadverted upon it with peculiar point; observing, that if people were taken by force from the civil walks of life, and compelled to remain under arms without any necessity, he could not conceive any difference between their case and that of the army so tyrannically treated by the late Ruler of France; adding, that a sympathy for the poorer order of the people was one of the first duties of a representative, especially where that duty was enforced by a recollection of the services which those of that order, who belonged to the militia, had established to the gratitude and esteem of their country. That such men must be anxious for relief from their military state, and for a return to the enjoyment of their domestic comforts, was naturally to be expected; and that man must be unmindful of the feelings of common humanity, as well as of the duties of a legislator, who would not be desirous to gratify that anxiety.

The House divided:

For the motion..... 76

Against it..... 179

Majority..... —103

#### *List of the Minority.*

Abercrombie, hon. J.	Daly, rt. hon. D. B.
Althorpe, lord	Elliot, right hon. W.
Atherley, A.	Folkestone, lord
Bennet, hon. H. G.	Ferguson, R. C.
Brand, hon. T.	Finlay, K.
Burrell, hon. P. R. D.	Fitzroy, lord J.
Birch, Jos.	Grant, J. P.
Baring, Alex.	Grattan, right hon. H.
Calvert, C.	Gordon, R.
Carew, R. S.	Greenhill, R.
Calcraft, J.	Geary, sir W.
Cocks, hon. J. S.	Grenfell, P.
Dundas, hon. L.	Guise, sir W.
Duncannon, lord	Hammeraley, H.
Dickenson, W.	Horner, F.



Halsey, J.	Proby, lord
Heron, sir R.	Palmer, C.
Harcourt, J.	Romilly, sir S.
Howorth, H.	Ramsden, J. C.
Hamilton, lord A.	Russell, lord G. W.
Hamilton, sir H. D.	Smith, S.
Jervoise, G. P.	Smith, T. A.
Lambton, J. G.	Smith, J.
Lyttelton, hon. W. H.	Smith, W.
Lemon, sir W.	Smith, R.
Leader, W.	Stanley, lord
Lewis, Frankland	Sebright, sir J.
Monck, sir C.	Shelly, T.
Mackintosh, sir J.	Tavistock, marqu. of
Martin, J.	Tierney, right hon. G.
Martin, H.	Tremayne, J. H.
Moore, P.	Wilkins, W.
Newport, sir J.	Wharton, J.
North, D.	Whitbread, S.
Philips, G.	Western, C. C.
Ponsonby, rt. hon. G.	Walpole, hon. G.
Ponsonby, hon. W.	TELLERS.
Power, R.	Milton, lord.
Preston, R.	Fremantle, W. H.
Piggott, sir A.	

STATE OF THE CORN TRADE.] On the order of the day, for resuming the adjourned debate upon the motion made yesterday, for reading the Report from the committee of the whole House, to whom it was referred to consider further of the state of the Corn Laws, be now read; and the same being read, the House resumed the said adjourned debate; and the Report was read. The first, second, and third Resolutions of the Committee were agreed to. On the fourth being read,

Mr. Calcraft said, at that time of night (between 11 and 12,) after the long discussion with which the House had been occupied, he would trespass as short a while as possible on their attention upon the subject of the amendment, which he should propose to be substituted to one of the Resolutions. By the vote of the House the price at which the importation of wheat was allowed, was fixed at 80s. Now, he could make it appear, that this price was beyond what the most sanguine supporters of the measure could substantiate from the evidence. Ireland was an important feature in this question; and he believed it was the wish of every member of that House, that the wants of this country, with respect to the primary means of subsistence, should be derived in preference from Ireland. But when he said this, he believed he should have little difficulty in proving, that the price proposed to the committee went far beyond that remuneration which was necessary to enable Ireland to push her cultivation almost

to any extent. There was not much information before the House on the expense of the cultivation of land in Ireland; for neither in the committees of 1813 or 1814 had this subject been much explained. The only evidence he could find, on looking at the Report, was that of Mr. Wakefield. When asked if he thought a price of 70s. for wheat in Ireland sufficient to induce them to cultivate wheat in that country, he answered, he should think it would be sufficient to induce them to cultivate wheat, supposing the climate would allow it. This gentleman had written a great deal about the agriculture of Ireland, was supposed to be well acquainted with the state of that country, and having been brought forward by those who favoured the alteration in the corn laws, could not be supposed to be inclined to under-rate the price. When he was farther asked with respect to the quality of the Irish wheat, he answered that it was, from the wetness of the climate, not of the highest quality. It was to be considered that 70s. was not the price of superior but of average wheat; and that the best would be at least 10s. a quarter higher. The expense of cultivation, from the cheapness of labour and the want of poor-rates, must be much less in Ireland than in this country; and by quoting the evidence of Mr. Wakefield, he had, in his opinion, completely disposed of that question. With respect to Scotland, it appeared from the evidence, that the smallest sacrifice on the part of the landlord would enable the farmers there to furnish wheat at as low a rate as in Ireland. Mr. Brodie, who paid 2,500*l.* for rent, stated his produce to amount to 5,700*l.* and in this case the rent bore a very considerable proportion indeed to the value of the whole. Was it too much to call on the landlord of that country to make some sacrifice? With respect to Ireland, the Irish landlord or tenant might, without interfering with the subsistence of the people, fix any price on their wheat they pleased, as wheat was not the food of the body of the people there. Without entering, therefore, into more detail regarding Ireland and Scotland, he conceived the fact established, that 70s. a quarter was a fair and ample remunerating price. With respect to the evidence of this country, it branched out into more details, and the whole of the inquiry was nearly confined to that object. But there was no one witness, on being asked, at what rate the farmer could af-

ford to sell wheat, who did not guard himself in stating a price as high as 80s. though many of the witnesses gave a lower sum, by saying, that if rent, labour, and taxes, continued as they were, he thought the sum of 80s. a proper remunerating price. It became the gentlemen who brought forward this measure, to shew, before they proposed so high a sum as 80s., that rent, labour, and taxes, would continue the same. It was not his wish to deteriorate the condition of the landed gentlemen of this country; but he really conceived that they would be in a better situation, if, by a small sacrifice of rent, they should enable farmers to reduce the price of their commodities, as taxes had been already lowered to themselves. As labour, and taxes, and corn, had already fallen, he should like to know why on this, as well as on former occasions when corn had fallen, rent should not also fall? With respect to the question as it might affect the revenue, it was unquestionably true, that in the case of any great and sudden diminution of the incomes of the class of persons in question, the revenue and trade of the country must also suffer considerably. But he considered, that the sacrifices which ought to be made by landed proprietors, were such as would not endanger the revenue. All the surveyors had stated that it was necessary to make four rents on a farm. Assuming this estimate, what would be the effect of reducing the price from 80s. to 72s. on a farm of 100l. rent? If the farmer paid one rent of 100l. to the landlord, two rents being 200l. in expenses of cultivation, and reserved 100l. to himself, in all 400l., supposing this 400l. to be only reduced 40l. a year, this would enable the farmer to sell his corn 10 per cent. cheaper, which would be exactly 8s. in the quarter. Out of the rent, labour, and taxes, this sacrifice could be, and ought cheerfully to be made. Labour had already been reduced in the districts with which he was acquainted, more than 10l. per cent. The taxes on land had been reduced 17½ per cent. The great expense of wear and tear would necessarily also be reduced. The collar-maker's bill, for instance, would necessarily be reduced by the fall of the farmer's commodity. In this country, wheat, being the subsistence of the people, was the measure of labour; and the moment wheat fell in price, the effect on labour would follow. He was convinced that the House would never be backward in making such sacri-

fices as the state of the country rendered necessary. The landlord had been relieved of 10l. per cent. and received now 100l. where he before only received 90l. Where the case required the sacrifice, he would have no hesitation in giving another 10 per cent., and with this the farmer would be enabled to make out his 40l. and to sell his corn at 72s. the quarter, which price was as low as the people of this country could expect, for some time at least, to receive their subsistence at. When circumstances should admit, it might afterwards gradually be lowered to an ordinary price. He had pointed out no sacrifice which at all interfered with the comforts of the land-holders. Even on a small income there would be hardly any sacrifice; they would find by this means the country contented; they would live in a neighbourhood where all would be satisfied, when they saw that the highest classes were making sacrifices as well as themselves. But if they pressed this measure to the utmost extent, at this high price the people would eat their bread with very little satisfaction, when they found that the same rents were received by the landlords that were received under very different circumstances. He believed he had stated the evidence fairly, when he had said that no one witness stated 80s. as a remunerating price, who did not also express a reservation, that this was on the supposition that rent, labour, and taxes, continued the same. One respectable witness, Mr. Mant, even said, that the price of 72s. was sufficient. He would ask gentlemen, if, in acting as managers of other people's concerns, they would not, on such an occasion as this, give a preference to Mr. Mant's evidence, because it was in favour of the great mass of the population. An hon. gentleman (Mr. F. Lewis) had stated, that the bread was 1s. the quarter loaf, when the quarter of wheat was at about 80s. But speaking legislatively and practically, were two different things. He would take upon him to say, that this proportion of the act of parliament had never yet been realized either in town or country. When the average was 64s. a quarter, they were buying bread in this town at 1s. the quarter loaf. They had heard the most contradictory declarations on the subject of averages, and nothing could yet be inferred with certainty on that subject. The present proposed rise was out of all proportion, when compared

with former rises in the importation price. In former times the legislature had gone about this subject with great caution. It was true the rise in 1804 was from 48s. to 63s. the quarter; but then it had been reduced in 1794 from 54s. to 48s. having from 1761 to 1794 been as high as 54s. An advance of 9s. a quarter was considered as a great step formerly; but the present advance from 63s. to 80s. being 17s. was no less than 33l. per cent. on the article of subsistence, which was the rule of labour throughout the country. He could not help referring to the evidence of the two Mr. Scotts, one of them a member of the House, and the father one of the best agriculturists in the country. Mr. Scott, sen. guarded himself, as the surveyors had done, in fixing the price according to the present state of rents, wages, and taxes. In the present state of things, when labour and taxes had already been reduced, and when rent might also be reduced, ought this high sum of 80s. to be still persisted in? He should be sorry that a vote of this kind should pass without its standing on the Journals, that such an Amendment as the present was proposed; because he was convinced, the day would soon come, when those who might carry a higher sum would find out their mistake, and be glad to return to what they had formerly rejected. The hon. gentleman concluded by moving that '72s.' should be inserted instead of '80s.'

Mr. *Huskisson* complimented the hon. member on the candour which he had displayed in the statements which he had just delivered. What principally induced him to differ with the hon. gentleman was, that he had rather assumed certain propositions than attempted to prove them. He had assumed, for instance, that the importation price would necessarily be the market price. This proposition was completely controverted by facts, and by the present state of things. During the last year, and 1813, with no foreign importation, the price was as low as 67s. Supposing an importation price of 80s. to have been then fixed, what effect could this, he would ask, have had on the price in the market? The hon. gentleman had not gone at length into the evidence, and in this he would follow his example. One of the witnesses principally relied on by gentlemen who took the other side of the question, was Mr. Maxwell. With the highest idea of Mr. Maxwell, it was ma-

terial to observe, that in answer to the question respecting the circumstances he took into consideration in fixing rent, he stated that his practice in valuing land since 1801 had ceased, except on very particular occasions. This was three years prior to 1804, when the importation price was carried up to 63s. Another of the witnesses, Mr. Crabtree, ought hardly to have been considered as in favour of the other side. He had stated that the farmer might be able to manage at 20l. a load, that was 80s. a quarter; but then he admitted that he would not at this price be able to keep all his lands in tillage, at present so employed. The right hon. gentleman continued at considerable length to comment on the evidence, in order to show the fallacy of the assertion on the opposite side, that if the original resolutions were carried into effect, corn would never be below 80s. a quarter; and he ridiculed the supposition that a monopoly could by possibility exist in that article among the large body of farmers and dealers in the kingdom. Of this he was persuaded, that unless the resolutions were maintained up to 80s. those who were now the most clamorous against the measure, and for whose interest it was as much calculated as for the interest of any other class of the community, would deeply lament it.

Mr. *Rose* entered into a statement of the opinions of different witnesses, in proof that the highest price ought to be 80s. though some of them thought that 75s. would be a good protecting price for the farmer. From the whole of their reasoning, however, he was inclined to contend for 80s.

Mr. *W. Smith* was of opinion, that the agricultural interest was the great and paramount interest of the country, and the home market the most important for trade and manufactures. Yet the difficulties with which the country must necessarily have to struggle for some time to come, could only be conquered by every class of society participating in the burthens, and the landholders equally with the rest. Being of opinion, that fixing the price at 80s. would have the effect of keeping corn up at that price, he should vote for the amendment. The hon. member spoke for some time in illustration of this opinion, and combated many of the arguments that had been urged by different gentlemen under a contrary persuasion.

Mr. *Peel* said, that the production of

corn was the manufacture of Ireland as much as the manufacture of linen; and every argument in support of the latter, would equally apply to the former. Ireland had a claim to our protection beyond any foreign country. We ought not to shut our doors on her, but afford her that protection which she had given to us when we most required it.

Mr. *Baring* would not trouble the House at that late hour with a word upon the general principle, but simply as to the fitness of price. On the former discussion, no person had shewn the necessity of fixing it at 80s.; but his right hon. friend (Mr. *Huskisson*) had now stood forward as the champion who should prove, that the farmer could not be protected under that sum. He (Mr. B.) had given great offence for speaking plainly upon the subject of rent; but taking a farm at 1,000*l.* a year, and lowering it to 600*l.* to say that the farmer could not then afford to sell his corn cheaper, was complete sophistry. He thought the House should touch the question of price with as much delicacy as that of rent. There were no less than four out of the sixteen witnesses, who were agriculturists, who stated their opinion that the price should be under 80s. That sum was formed upon the supposition that rent and taxes would continue the same; but if those charges were to be reduced, they admitted that 80s. was beyond the price which was necessary for the protection of the farmer. He concluded with declaring, that he would oppose the original propositions in every stage of the proceedings.

Mr. *Pole Carew* preferred the original Resolutions, as being fair and beneficial towards Ireland.

Mr. *Quin* was of a similar opinion.

The House divided :

For the Amendment..... 35

Against it ..... 154

Majority in favour of 80s... —119

The subsequent Resolutions of the committee were then agreed to; and leave was given to bring in a Bill upon the said Resolutions.

## HOUSE OF COMMONS.

*Wednesday, March 1.*

STATE OF THE SILVER CURRENCY.] Mr. *Grenfell*, seeing the Chancellor of the Exchequer in his place, thought this a fit time to ask him a question, before the House proceeded to dispose of a measure now in progress respecting the currency of Ire-

land. He wished to know if it was in the contemplation of his Majesty's ministers to take any steps to improve the silver circulating medium of this country—he particularly referred to the depreciated state of the shillings and sixpences. His reason for asking this question now was, that at present, to his knowledge, a great importation of the silver coin of France was constantly taking place, and the silver thus brought into the country was forced into circulation as shillings and sixpences; and he thought it too much that the people of England should be placed in a situation that compelled them to receive the depreciated currency of another country, at a loss of at least 10 per cent. He recommended the adoption of a measure to remedy this evil, similar to that which had been resorted to some years ago, which had furnished the nation with a supply of good copper coin. The same course which had been pursued on that occasion, might successfully be acted upon at present, and he would propose that the attendant expense should be met in the same way. It was his opinion that the expense of reforming the silver coin would not be felt more by the nation, than that to which they had been subjected when the new copper coinage was first produced.

The *Chancellor of the Exchequer* was sure his hon. friend would be disposed to believe that ministers would not at all repine at having their attention drawn to this important subject. The evil referred to was one which it would be most desirable to remedy. He felt this; but at the same time he also felt that the question as to the state of the silver currency, was one of greater difficulty, as well as greater importance, than that which had formerly been brought under the consideration of government, when a change was contemplated with respect to the copper. The copper monies in circulation had only been regarded as tokens, and were not, like the silver coin, issued according to a regulated standard, by law established. Before a change in the silver circulating medium were attempted, his opinion was, that it would be proper to restore our currency of gold. Without this, he could not hope for any great benefit from an alteration of the silver; but, the circulation of gold once restored, it would be of great importance that the silver should be recovered from the depreciation into which it had fallen. In this situation of things, the best expedient that



with former rises in the importation price. In former times the legislature had gone about this subject with great caution. It was true the rise in 1804 was from 48s. to 63s. the quarter; but then it had been reduced in 1794 from 54s. to 48s. having from 1761 to 1794 been as high as 54s. An advance of 9s. a quarter was considered as a great step formerly; but the present advance from 63s. to 80s. being 17s. was no less than 33l. per cent. on the article of subsistence, which was the rule of labour throughout the country. He could not help referring to the evidence of the two Mr. Scotts, one of them a member of the House, and the father one of the best agriculturists in the country. Mr. Scott, sen. guarded himself, as the surveyors had done, in fixing the price according to the present state of rents, wages, and taxes. In the present state of things, when labour and taxes had already been reduced, and when rent might also be reduced, ought this high sum of 80s. to be still persisted in? He should be sorry that a vote of this kind should pass without its standing on the Journals, that such an Amendment as the present was proposed; because he was convinced, the day would soon come, when those who might carry a higher sum would find out their mistake, and be glad to return to what they had formerly rejected. The hon. gentleman concluded by moving that '72s.' should be inserted instead of '80s.'

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The *Chancellor of the Exchequer* was sure his hon. friend would be disposed to believe that ministers would not at all repine at having their attention drawn to this important subject. The evil referred to was one which it would be most desirable to remedy. He felt this; but at the same time he also felt that the question as to the state of the silver currency, was one of greater difficulty, as well as greater importance, than that which had formerly been brought under the consideration of government, when a change was contemplated with respect to the copper. The copper monies in circulation had only been regarded as tokens, and were not, like the silver coin, issued according to a regulated standard, by law established. Before a change in the silver circulating medium were attempted, his opinion was, that it would be proper to restore our currency of gold. Without this, he could not hope for any great benefit from an alteration of the silver; but, the circulation of gold once restored, it would be of great importance that the silver should be recovered from the depreciation into which it had fallen. In this situation of things, the best expedient that

had been thought of, was to use Bank tokens, and this had remedied some of the inconveniences complained of; but the whole could not be altogether removed, till the circulation of gold was restored. Without being able to reform our own silver currency at present, he thought it might be practicable to prevent foreign money from circulating in this country. This, on giving some attention to the subject, he was inclined to think might be effected. On this head he should be happy to receive any additional hints from his hon. friend, or from other hon. gentlemen, and he was sorry, that, in the present instance, he could not pledge himself to any course of action, till the question had received further consideration.

Mr. Grenfell thought Bank tokens, representing shillings and sixpences, would be of great service in the present situation of the country; and he now gave notice, that if some such measure were not brought forward by the Chancellor of the Exchequer, he would shortly submit a proposition to that effect to the consideration of the House.

CORN BILL.] Mr. Frederick Robinson presented a Bill to amend the laws now in force for regulating the Importation of Corn; and the same was read the first time. On the motion, that it be read a second time on Friday,

Mr. Alderman Atkins requested to know whether it was the intention of the right hon. gentleman to make any alteration, which might give an opening by which the differing parties might have a chance to meet in their mutual endeavours to establish that which each thought for the public welfare. He wished sincerely to ascertain, whether a mediatory measure could not be agreed upon, by which the present jarring ideas of gentlemen on either side might be brought more into unison. He was not a man who would lend himself either to popular fear or popular favour; but in a question of such vast importance, he would certainly be happy to see the House come to some kind of accommodation, by adopting some of the lower prices, instead of adhering obstinately to those higher ones, which had certainly been voted by great majorities. He threw out these suggestions for the consideration of the right hon. gentleman opposite, whose personal credit might be said to be at stake in this proceeding.

Mr. Robinson replied, that it was obvious

that in the present stage of the proceeding nothing could be done as to the sum which should be made the protecting price. He had already stated that sum which, to the best of his judgment, appeared most likely to effect the object in view. If, when the Bill was committed, the committee should prefer another sum, they were perfectly competent to adopt it: but not having himself heard any thing during the late discussions to induce him to change his opinion, it could not be expected that he should recommend the adoption of any other sum than that which he had already named. As to the question of personal credit, he did not consider his personal credit at all at stake in the present question. He had undertaken the duty personally, a painful one to him, of bringing the subject forward; it was for parliament to determine upon it.

Mr. Alderman Atkins said, that there had appeared on the preceding evening a feeling in the House favourable to 76s. being named as the protecting price. Had such a proposition been submitted to the House then, he thought it very likely to have been agreed to. He thought it might be well to make that the price at which corn might be imported, or to make 72s. the price, with a duty attaching to the foreign corn brought into the country.

Mr. Lockhart could not allow that there was a popular opinion or fury against the Bill. On the contrary, he was persuaded that the general sentiment, even in commercial towns, was in favour of the measure, particularly in those towns in the midland counties, which he was in the habit of visiting, and in which it was generally believed that some measure on the subject was absolutely necessary. He denied that the sole object of the Bill was to meet the feelings of the agricultural interest: its grand aim was to prevent those great fluctuations of price to which corn had for some years been liable, by giving such a stimulus to the grower as would induce him to employ his capital in the creation of a regular and adequate supply.

Lord Lascelles said, he had voted on the preceding night for 80s. as the protecting price, but he had only voted for this in opposition to the 72s. which had been proposed. He stated this, that his conduct might not be considered inconsistent if he voted for any price between them, that might be proposed in the progress of the Bill.

Sir Robert Peel thought that the sug-

gestion of the worthy alderman was entitled to great attention. He had already expressed his own opinion, which remained unchanged, although he was willing to bow to the superior judgment of the House. But he could not avoid saying, that, in his opinion, a bounty on the importation of corn, when the price was high, would be by far a more preferable measure, than the one embraced by the Bill.

Mr. Alderman C. Smith denied the truth of the assertion made by an hon. gentleman, that in mercantile towns the general opinion was favourable to the proposed alteration.

General Gascoyne contended, that, as the measure stood, there was but one opinion upon the subject, and that was an adverse one. No petition had been put into his hands by his constituents, because, aware of the general hostility towards the proposed alteration, and of the conciliatory disposition of his Majesty's government, they did not conceive that such a petition could be requisite. In a short time, however, petitions would be poured in, not only from Lancashire, but from all parts of the kingdom, against the Bill. Although he would not take the sense of the House upon the present motion, he pledged himself to let no other stage of the measure pass without doing so.

Mr. Finlay thought that if the protecting price were 75s. or 76s. it would meet with the approbation of the manufacturing and commercial interests.

Mr. Baring said, it was pretty well known to ministers that a strong feeling against this measure existed in the country. In some parts of Lancashire it appeared rising to an alarming height. The general irritation would not be allayed by hurrying the measure through the House. He thought it would be but decent to give time for petitions to be presented for and against it. This was a sufficient argument for not proceeding to the second reading on Friday. He therefore moved, as an amendment, that the Bill should be read a second time on Friday se'nnight.

Mr. Peter Moore said, he had that very day received a letter from his constituents at Coventry, in which they stated, that after the very numerous petitions poured into the House against this measure in the course of the last session, they could not, but with difficulty, bring themselves to believe, that the same House of Commons would seriously attempt to bring forward the same measure at the present period,

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much less that they would attempt to hurry the Bill through the House. Finding, however, that they had been mistaken on that head, he might rely on it, there would be one or more petitions from that great manufacturing city, fully expressing their opinions against any such measure being adopted at present; and they had no doubt, but they should be joined by every manufacturing town and city in the country. For his own part, he should be glad to know whether this measure really emanated from his Majesty's ministers as composing the government of the country, or whether it was the measure only of a single individual of their body. This question, if viewed in its proper light, should be taken as a matter of private business, like an inclosure bill, a canal bill, &c.; and in every such matter of *meum and tuum*, ministers had in general thought it proper to withdraw themselves—to stand aloof, and to leave the parties concerned in the premises to contend the matter among themselves. But, in the present instance, government had interfered with their overwhelming interest, and had joined the landholders with all their might, to enable them to carry a measure, which, if so carried, was neither more nor less than levying an extraordinary tax on the major part of the community. This was, in his opinion, highly unconstitutional, and contrary to the practice of the House; for it was taxing one set of his Majesty's subjects, for the benefit of another set, instead of the good old principle, that all should be taxed alike, allowing for their different gradations in society. If we must be taxed to the amount of forty millions, let it be done equally, in a fair, open, and bold manner; but do not let particular classes be penned up like sheep in a fold, to be fattened, or leaned, or starved, according to the will and pleasure of ministers and their adherents.

Sir John Sebright observed, that if he thought the effect of the present measure would be to raise the price of bread, he would not support it. It was impossible that the agricultural interest could be so stupidly ignorant as not to perceive that their good was intimately connected with our commercial prosperity. The object the landed proprietor must have in view was the general prosperity of the country; and short-sighted, indeed, would that policy be, which was calculated to depress any class of the community. Instead of

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this measure raising the price of bread from 1s. 3d. to 1s. 6d., he was convinced the higher the protecting price was, the lower would the average price be to the consumer.

Mr. *Grenfell* thought that this measure would not have the effect of rendering the people dependent on the land-owners for their food, as was contended by the hon. member for Coventry; but that it would have the effect of making them independent of all foreign supply.

Mr. *Marryatt* rose to express the satisfaction he should feel, if any proposition for adopting a medium price between 72s. and 80s. should be made by the noble lord who had alluded to this subject (lord Lascelles), or some other great landed proprietor. Such a proposition would come with a better grace from one of the landed proprietors, than from any person connected with commerce or manufactures. They had already sufficiently proved their power in the House, and he hoped they would now also shew their moderation. Unless some measure of this kind were to be brought forward, he would support the amendment.

On the Speaker's ordering strangers to withdraw, previous to a division, there appeared a disinclination on the part of several members to divide.

Mr. *C. Calvert* declared, that those he represented were unanimously against the measure, and stated it to be his determination to take the sense of the House on the question now under consideration.

Sir *Gilbert Heathcote* said, he had never yet taken any part in this question; but having come to the House on another business, he was forced to take some part now. He could not help thinking that a delay of one week could not affect the question, and might be of great benefit. He had not yet formed an opinion on it one way or another, but possibly by Friday se'nnight he should be able to make up his mind.

Mr. *J. P. Grant* said, if he thought that any considerable number of persons, from the attention which they might give to this question in the course of another week, would be enabled to form more mature opinions respecting it than they could at present do, he should have no difficulty in voting for the amendment; but, believing that the subject had been already ably, amply, and extensively discussed, and knowing that it had also been agitated last year, he could see no utility for any fur-

ther delay. He wished to say one word as to the petitions which had been laid before them. No man could pay greater deference to the opinions of the people than himself, and no man was in general more disinclined to take a part contrary to their wishes: but he conceived the way in which these petitions ought to be interpreted was this: the House were called on in them to decide according to the best of their own judgments; for if any other consequence was to be given to these petitions, he knew not what the House were delegated there to do. With the utmost tenderness for the feelings of the people on every subject which deeply agitated them, he was sure there was no question in which they could form less accurate opinions than on that at present before the House. It had been said, that this was a question between the landed interest and manufacturers. If there was a person in the House who could view the question in that light, he would take it upon him to say, that he was not only one of the most perverse, mischievous, and unfeeling, but also one of the most ignorant of mankind. [Hear, hear!] The interests of the two classes could not possibly be separated, for they could not go on without the assistance of each other. He believed that every man had already made up his mind one way or another on the subject, and he did not suppose there were one half dozen members whose opinions would be altered. The sooner the question was set at rest the better; and the people would ere long be convinced, that the government which had proposed, and the persons who had supported this measure, had done their duty to them by attending to their true interests.

Mr. Alderman *C. Smith* supported the amendment.

Mr. Alderman *Atkins* conceived that the House could not come to a decision on this question before knowing the most correct principles on which the averages might be ascertained. He hoped, therefore, the measure would not be hurried through the House.

Sir *J. Newport* was against any further delay, as the general sense of the House had been fully expressed upon the principle of the Bill.

Mr. *Calcraft* said, an hon. and learned gentleman had asserted that this question had already been most ably, amply, and extensively discussed, and that there were not half a dozen members whose opinions

would be changed. This was a pretty stout assertion. In the divisions that had already taken place, not one half of the representatives of the people had yet voted on the question; and he would take upon him to say, that many members who had attended had not yet voted, from which it was reasonable to infer that they had not yet made up their minds. But this, surely, was a strange argument to be made use of in that House. When fighting the battles of the constitution and the people, with his hon. and right hon. friends around him, it was never argued, when there was a majority on any measure affecting the interests of the community, that that was a reason why no farther time should be given for its consideration. He lamented that the hon. gentlemen, on whose bench he so seldom appeared, but with whom he had formerly had the honour and the happiness to vote, were so changed as they now appeared to be. A something seemed to have come over them, and to have obscured their sight on this occasion, for which he could not account, but which he could not but deeply regret, as it precluded him from acting with them. He strenuously opposed the Bill, and urged the propriety of the amendment.

Mr. *Whitbread* remarked, that though he was inclined to support the amendment, he must make an observation on the speech of his hon. friend who had just sat down. That hon. gentleman had thought proper to attack the whole bench of opposition, whom he professed his intention of leaving, at the same moment that he gave them credit for the best motives and the most liberal opinions. He could only say, that whenever the hon. gentleman might choose to return amongst them, they would be very happy to receive him; and, in the mean time, he hoped that in all his attacks upon them, he would be as ready to eulogize their principles as he had that night shewn himself, at the moment of abandoning their connexion. As to the question before the House, he thought it advisable not to make a show of precipitation, where no precipitation could be intended. There was no occasion for any hurry; and therefore, though he must allow that to him it did not appear that fixing Friday next was any extraordinary urgency of the business, yet he conceived that a delay could not but be useful where dispatch might be liable to misinterpretation.

The House divided:

For the Amendment ..... 30  
Against it ..... 100  
Majority ..... —70

*List of the Minority.*

Atkins, J.	Lambton, J. G.
Baring, A.	Lubbock, J.
Bakington, T.	Lefevre, C. Shaw
Butterworth, J.	Marryatt, Jos.
Barclay, Charles	Peel, sir R.
Bolland, Mr.	Philips, G.
Calcraft, J.	Smith, W.
Davis, H.	Smith, C.
Forbes, C.	Smith, R.
Fremantle, W. H.	Tierney, right hon. C.
Gascoyne, gen.	Wilberforce, W.
Guise, sir W.	Whitbread, S.
Gaskill, B.	White, M.
Howorth, H.	TELLERS.
Heathcote, sir G.	Calvert, C.
Horner, F.	Moore, P.
Keene, W.	

The Bill was accordingly ordered to be read a second time on Friday.

MOTION FOR AN ADDRESS RESPECTING CERTAIN SPANISH SUBJECTS SENT FROM GIBRALTAR TO CADIZ.] Mr. *Whitbread* rose for the purpose of calling the attention of the House to the conduct of general Smith and sir James Duff, and of submitting a motion upon the subject to the House, pursuant to his notice. He commenced by observing, that whatever good or evil might arise from the discussion, it must be attributed to the right hon. the Chancellor of the Exchequer, whose recommendation had induced him to submit his opinions in the form of a distinct motion. It had originated in various questions he had felt it his duty to put to ministers regarding the instrumentality of certain agents of this government at Cadiz and Gibraltar, in forwarding the designs of the infernal Inquisition, now re-established in Spain. In order to explain, palliate, or justify the conduct of general Smith and sir James Duff, certain documents had been laid upon the table, in opposition to which a statement had been published in one of the public journals, which denied many material particulars. He had required of ministers an explanation or reconciliation of those discordances, when the right hon. the Chancellor of the Exchequer had declared, that he much doubted whether earl Bathurst, in whose department the subject lay, was bound in duty to require from general Smith, the governor of Gibraltar, and from sir James Duff, our consul at Cadiz,

any further details, to reconcile or confirm the contradictions. Until that day, said he, Mr. Whitbread did not think that there had been a man in the House or in the country, who would have attempted to vindicate or to palliate the conduct of the parties so disgracefully concerned. General Campbell (whose authority had been cited by general Smith as a precedent for his conduct in this transaction) being dead, and sir James Duff, from age and infirmity, sinking fast into the grave, until he was recommended by the Chancellor of the Exchequer to bring forward a distinct declaratory resolution, Mr. Whitbread had intended to have dropped the matter, thinking that the notice that had already been taken of it would be a sufficient warning for the future, and something like an adequate punishment for the past. He was now, therefore, only acting with the consent of the other side of the House, and he hoped by common consent to obtain a declaration that would release Great Britain from a most weighty imputation upon the part she had taken with regard to the unfortunate subjects of Old and New Spain. From the moment that Ferdinand 7 entered Spain, an impression had prevailed (not unnaturally, considering the events that had occurred), that this country gave its approbation and countenance to the measures of the government formed under the restored king. It would be recollected that general Whittingham, an officer bearing an English commission, and who had been instrumental in the defence of Spain against her enemies, and who had shared the proud glories of Barrosa, was the man who commanded the army, that, on its march into Madrid, subverted the government of the Cortes, for the establishment of a tyranny more horrible and ferocious than the bloody reign of Robespierre, and completed an act of royal ingratitude the most signal among all those many acts of ingratitude with which history branded sovereigns. All Spain firmly believed, that were it not for English money, Ferdinand could not maintain his despotic system against the virtuous indignation of his subjects. It was that that had enabled general Whittingham's army, marching with perfidy inscribed on one side of its banners, and tyranny on the other, to effect the overthrow of the infant liberties of their country. Yet he found, that on the 10th of May, 52,617*l.* had been advanced to general Whittingham for the

services of that army ; services which had set Ferdinand on the bloody throne which he occupied, and from which it was probable he would speedily be hurled. The people of Spain had besides seen the duke of Wellington, their deliverer, who had received all his titles and honours and rewards, that had been heaped upon him with a hand of lavish liberality by the Cortes, on the enthronement of Ferdinand, at his feet lay down those dignities, and from his hand again receive them. They had beheld the British ambassador at Madrid, without instructions from home, hasten to acknowledge the re-instated Sovereign of Spain, whom at a distance the suffering nation had adored, until by nearer approach they had been able to discern his deformities. They had seen the British Cabinet seconding the designs of this new government by the arrest of obnoxious individuals, who had given offence to the new tyranny by formerly having maintained the superiority of the Cortes. With regard to the New World also, the acts of ministers in this country had confirmed the apprehensions of the friends of freedom in Spain and its colonies, if colonies or dependencies they could now be called, that would inevitably be independent, if the efforts and prayers of all good men could be effectual. They imagined, and truly, that England, far from remaining neuter in the struggle between Old and New Spain, had actually supplied to the former arms, ammunition, and clothing for the expedition that was again to subjugate the latter. Connected with this subject was the arrest of the four individuals at the time general Campbell was governor of Gibraltar, who were now rotting in the dungeons of Ceuta ; and the conduct of general Smith with respect to the individuals whose case was now particularly before the House, had not a little confirmed the opinion prevailing in Spain, that the unhappy natives were abandoned to a fate they had so little merited.—The hon. gentleman then adverted to the documents laid upon the table relative to this question, and particularly called the attention of the House to the conduct of the under secretary of state (Mr. Goulburn), who only yesterday had communicated to parliament an important paper, which, however, was an after-thought, a new discovery of an old convention in 1704, between general Rainsford and the Spanish governor, respecting the delivery of deserters, smugglers, and heinous offenders.

It had, in fact, nothing to do with the present question, and had never been referred to by lord Bathurst, in the correspondence, as palliating or justifying the conduct of general Smith and sir James Duff. Mr. Whitbread then proceeded to read to the House the letter of lord Bathurst to general Smith, dated July 24, 1814, calling for a statement of the facts relative to the arrest of M. Puigblanc, M. Correa, and others, and expressing a hope that the representation made respecting his conduct was not correct. Well might the noble lord indulge in such a hope, for until the Alien Act passed, of which such improper use had been made of late, it was the boast of this country that freedom flourished wherever the British flag was displayed. The hon. member went on to detail the particulars in the dispatch of general Smith, and the contradictions given by M. Puigblanc with regard to his entrance with his companions into Gibraltar, under fictitious names; the truth was, that they had been provided with passports under the authority of the governor of Cadiz, in their own names, and countersigned by sir James Duff, the British consul. One of these passports Mr. Whitbread produced to the House, which had been given to Don Miguel Cabrera, an individual who had escaped to this country. Learning, however, of the proceedings at Gibraltar, and dreading the operation of the Alien Act in this country, he had fled from this land of freedom, this asylum of distress, as it had been in former times triumphantly called, to France, hoping there to receive that protection which in England he could not obtain. The truth was, therefore, that M. Puigblanc did not enter Gibraltar under any concealment; they had the permission of the British and Spanish authorities: sir James Duff knew it, and yet, soon afterwards, repenting of what he had done, in the teeth of his own act, and in defiance of his own knowledge, he had been guilty of the perfidy of making this false pretence to general Smith, for the arrest of these unfortunate persons. The consequence was, that M. Puigblanc and the companions of his flight, from the fury of their inquisitorial persecutors, were arrested and delivered to a Spanish commandant, and in irons were conveyed back to Cadiz, where M. Puigblanc was formally tried, and acquitted of the offence charged; at the same time, however, he was informed that he must yet remain, to be tried before another tribunal—the In-

quisition. Having little hope that he should escape from the fangs of that inhuman monster, after writing a memorial to government (which was entrusted to sir James Duff, but which Mr. W. believed never arrived), the British consul consented to his escape to England; and in this country he shortly afterwards arrived, to make known the persecution to which he had been made an innocent victim. The hon. member then went more into detail of the contents of the papers upon the table, repeating the accusation against the British consul, that he had been guilty of gross perfidy towards those to whom he had given his official protection; and against general Smith, that he had forfeited the plighted faith of the country, which until now had been the protection of the injured, and the assertor of the rights of the oppressed. Fortunately all the engines of the Inquisition had not at that time been again set at work, and M. Poigblanc made his escape, with which sir James Duff did not think proper to interfere, and he was now in England, where he and all his countrymen might live at ease, notwithstanding the apprehension which the conduct of the governor of Gibraltar had given rise to. Such was the effect of free discussion, that in spite of the disgraceful powers of the Alien Act, in Great Britain they were safe—in Great Britain they were free. M. Correa, who had been denounced by sir James Duff on the Robespierrian principle, as a friend to persons who had traduced the British name—as *soupçonné d'être suspect*—was, in fact, no author, nor had ever published any thing. He had risen to the rank of captain in the Spanish service, and had performed eminent personal services in execution of the commands of the duke of Wellington; he had two sons who were taken prisoners by the French while fighting in the defence of their country, in whose cause they had received, one eleven, the other four wounds. He, when he saw the measures pursued by Ferdinand, thought that a man who had fought as he had done, had a right to remonstrate to him. He accordingly addressed a temperate letter, in which he begged him to consider, that to assume despotic power was not the road to insure his own happiness or that of his subjects, and implored him to accept the limited monarchy, and the constitution of Spain. For this crime he was tried and sentenced for 10 years to the galleys, and here he was now



expiating that offence. But if any of the patriots of Cadiz, with the fires of the Inquisition dancing before their eyes, were asked, whether they would prefer the situation of Smith or of Correa, they would exultingly accept the sufferings of the latter; for the chains of Correa might be broken, but those of general Smith and his associates could never be loosened. Another circumstance was developed in the correspondence before the House, which would shew that he had not formerly proceeded on a slight foundation. Among the papers before them, was a letter from earl Bathurst to sir James Duff, inquiring whether he had been active, as was reported, in preventing the escape of persons who had incurred the displeasure of the Spanish government. The answer was, that it was the practice of the ambassadors at the Spanish Court not to suffer aliens to go to any part of his Majesty's dominions without passports, and that he had recently renewed the order on that subject, which had been in existence, and directed it to the masters of merchant vessels. To explain this proceeding there was another letter produced, in which the under secretary of state for the home department cut no very great figure. It was a letter from John Hiley Addington, esq. to E. Cooke, esq. stating that it was not deemed proper by lord Sidmouth that persons should be allowed to enter the kingdom without passports from our ambassadors at the different courts, and the consuls, and that it was not thought proper that such passports should be granted to objectionable persons, and begging Mr. Cooke to move lord Castlereagh to take proper measures for informing the foreign ministers on the subject. Now, on what authority was this direction given, before the passing of the Alien Act, the powers of which had been, as he was prepared to prove, grossly abused? There was not any power to prevent strangers from entering this kingdom; and he should consider it an unjustifiable assumption of power until better informed on the subject. Why, too, was this regulation made in 1813, when the Alien Act first passed in 1794? What peculiar circumstances were there now to call for such a regulation? But was sir James Duff to think that the members of the Cortes were the persons against whom this regulation was to be exercised? those members of the Cortes who, a year or two ago, were hailed with acclamations from all ranks—to whom all offices were open

—while now they could not obtain audience from secretary, or under secretary, or clerk, with exalted head. There was a question, relating to the exercise of the power of the last Alien Act, which he should take that opportunity of mentioning. It was the practice of the government not to allow any foreigner to remain in this country, unless he had a passport from the ambassador from his country, at this Court. A Portuguese of the name of Corraja, who came to this country, and could not get a passport from the chevalier de Souza, the Portuguese ambassador, was by an unjustifiable exercise of the Alien Act, seized and sent to Lisbon: he passed from Lisbon to the Brazils, and laid his case before the Prince Regent. He took his trial, and was acquitted, and loaded with honours. What, then, would have been the fate of M. Puigblanc, if he or his associate had reached this country before the expiration of the last Alien Act? He hoped the under secretary of state would explain the conduct of the government as to this Portuguese, and relieve the fame of his noble relative (lord Sidmouth), and the character of the country, from imputations so foul as those which had been cast on them.—Mr. Whitbread then proceeded to notice the letter of Mr. Stedman, one of the persons who were instrumental in procuring the arrest of the obnoxious Spaniards at Gibraltar, on which he animadverted with great severity. Nothing, he observed, could be more ardent than the joy and exultation which this man expressed, when, like a jackall, he had discovered the prey which those lions were hunting. They had heard of familiars of the Inquisition—let Mr. Stedman but leave Gibraltar—let him cross the lines and proceed into Spain—and there could be no doubt but that the alacrity he had shewn on this occasion would be rewarded with immediate employment. The hon. gentleman concluded by expressing his earnest hope that the House would adopt the Address he should have the honour of proposing. Indeed he thought it impossible that they could separate that night without expressing the feelings of indignation which they entertained at transactions of so atrocious a nature, which tended to render suspected the character which this nation had heretofore borne for justice and good faith. He then moved,

“ That an humble Address be presented to his royal highness the Prince Regent, to

thank his Royal Highness for the communication made to this House, in compliance with their former Addresses, of the correspondence which has taken place between the earl Bathurst one of his Majesty's principal secretaries of state, sir James Duff, his Majesty's actual consul at Cadiz, and major-general Smith, lately in command of the fortress of Gibraltar, touching certain Spanish subjects who had taken refuge in that fortress, and were delivered up by major-general Smith to the Spanish authorities, together with the papers accompanying the same:

"To express to his Royal Highness our entire disapprobation of the transactions disclosed by those papers, which this House considers to be injurious to the honour of the nation, contrary to that spirit of hospitality to foreigners by which our laws are distinguished, unjustifiable on the part of the civil and military officers concerned, and signally cruel towards the unhappy persons in question:

"Earnestly to request his Royal Highness that he will cause to be expressed to sir James Duff and major-general Smith, in the strongest terms, the displeasure of his Royal Highness at their conduct, and to take such measures as may be necessary to prevent, in any case, the recurrence of such acts:

"Above all, to implore his Royal Highness to cause the most efficacious steps to be taken to obtain the liberation of the persons who may be still confined, in consequence of the asylum they had sought in the British territory having been violated or refused by any British officer."

The Hon. *W. L. Bathurst*, in a maiden speech, opposed the motion. He argued that the hon. mover had taken a most exaggerated view of the subject. It was true, that sir James Duff had apprised general Smith of the departure of certain persons from Cadiz; but it was not a fact, that he had called upon general Smith to give them up. The particular situation in which general Smith stood, ought to be taken into consideration. At the time the circumstance took place, he had been a very short time governor of Gibraltar, to which situation he was appointed on the death of general Campbell. Soon after, he received two letters, one from sir James Duff, the other from the governor of Cadiz, stating that persons guilty of offences against the state had entered the garrison. These persons were asserted to have gone into Gibraltar under feigned names. M.

*Puigblanc*, he knew, denied this. But it appeared, even from his own statement, that he did not enter the garrison properly. He did not, as he should have done, go before the town-major, and procure from him a proper passport; but he had come in with a permit. He thought, in such a case as this, judgment ought to take place of feeling; and that the hon. gentleman should not have indulged in invectives against general Smith, on the mere authority of a paragraph in a newspaper. Sir James Duff, against whom so much obloquy was levelled, was an individual upwards of 80 years of age, during one half of which he had filled the situation of consul at Cadiz, in a manner that gained him the respect and esteem of the inhabitants. The hon. gentleman said, he was in that city a few years ago, and such a mad enthusiast for the patriotic cause he never saw. He could not, therefore, consider him such a mere tool of arbitrary power as he was said to be. He meant not to defend the conduct of general Smith, but some allowance ought to be made for the discretion necessarily confided in the commander of a garrison. As they were likely to hear no more of similar transactions, an end having been put to them by the letter of lord Bathurst, he thought there was no necessity for passing so severe a censure on general Smith, and sir James Duff, as that which was contained in the proposed Address.

Mr. *Gordon* defended the conduct of sir James Duff, who had merely informed general Smith of facts necessary for him to know, without giving an opinion as to the course he should pursue. He allowed that general Smith had gone a little too far, though his conduct was palliated by the agreement with the Spanish government, and the manner in which *Correa* and *Puigblanc* had entered the garrison.

Mr. *Hart Davis* said, that as general *Whittingham's* name had been introduced into this discussion, he thought it necessary to say something in his vindication. General *Whittingham* was not only a British subject, but a Spanish officer. He had been made colonel for distinguished services at the battle of Baylen, which made the Spanish general *Castanos* recommend him for promotion. What was an officer in the Spanish service to do in the circumstances in which he was placed? He had a commission given him by the Cortes, but it was in the name of the King. Having received an order from his supe-

rior officer, general Elio, to march in a certain direction towards Madrid, what could he do but obey the order he so received? How was he to know that the object of the march was to overturn the constitution? As to the statement of his having received 52,000*l.* from this country for raising a corps, he knew well that general Whittingham had pointedly refused any appointment which should be connected with the receipt of money, and that it was only by accident that he had received this sum, which was immediately handed over by him to another. General Whittingham had left a very lucrative profession in this country, with no other object than gaining military reputation. Besides his services at Baylen, he had equally distinguished himself at the battles of Medellin and Alcala. He had been ten years in the Spanish service, and he believed that no British officer would say, that under the circumstances in which he was placed, he could do any thing else than obey the order given him by his superior officer.

Mr. *Goulburn* observed, that though he should not follow the hon. mover in the wide range he had taken, he should remark that the patriotic government had taken as decided steps towards Spanish America as the present government of Spain had done—steps which had produced more fatal results. He allowed that general Smith had been unfortunately guided in his conduct, but the House should not judge harshly. Sir James Duff was an old and meritorious servant of the public, and had only guarded general Smith against some persons of doubtful character. He contended that sir James had done no more than his duty in making the communication to general Smith; and with respect to general Smith himself, he having succeeded by an unfortunate accident to the command of that fortress, felt, perhaps, a more than ordinary responsibility imposed upon him in the discharge of his duty. The hon. gentleman said, he was desirous of relieving the character of general Smith from the charge of having falsified the facts as they had occurred; and if the hon. member who made the motion had exerted his usual sagacity and acuteness, he thought he would not have dwelt so strongly upon that point as he had. The hon. member admitted that M. Puigblanc entered the garrison with a permit signed by the Spanish consul; and he would put it to the hon. gentleman

whether he could for a moment suppose it desirable, that in a fortress so peculiarly situated as Gibraltar was, the Spanish consul should be the judge of who was and who was not fit to enter it. The usual practice of that garrison was, that all persons arriving at it, should present themselves before the town-major with their passport, which he communicates to the governor or commander-in-chief, who issues his permit for their residence on the rock. When it was found, therefore, that the individuals in question had entered the garrison in a manner that contravened the standing rules of the place, and under fictitious names also, as he (Mr. G.) had reason to believe they did, general Smith was certainly called upon to take some notice of such a circumstance. His reason for believing that they entered under fictitious names was, that general Smith, in reply to a second letter from lord Bathurst, requiring him again to recollect that particular circumstance, persisted in the declaration that he had found them there under fictitious names. Mr. Stedman, in his letter to the Spanish consul, stated that they were so discovered, and that statement was made at a moment when he could not suppose the transaction would ever become a matter of inquiry, and when it must have been perfectly indifferent to the Spanish consul whether they were residing there under fictitious names or not. From that combination of circumstances, therefore, it was a fair inference, in his opinion, that Don Antonio Puigblanc and Don Miguel Correa, did pass themselves into the fortress under false names. In conclusion, he should certainly oppose the motion of the hon. gentleman, on the ground that though general Smith had certainly acted with a great want of caution, yet, his conduct having been so long before that House, and having undergone a censure which, in the opinion of the hon. member himself, was sufficient, no further proceedings seemed to be necessary. A repetition of the evil in future was not likely to occur; and to adopt the motion of the hon. gentleman would only be to give useless pain to individuals, who had acted more from erroneous impressions than from intentional dereliction.

Sir *James Mackintosh* spoke to the following effect:

Mr. Speaker;—Important as I originally conceived this question to be, it has received a great accession of importance

from the speech of the hon. gentleman who has just addressed the House, who has made an elaborate apology for the conduct of general Smith, and who has expressly justified that of sir James Duff. When the acts of subordinate officers, which disgrace the honourable name and generous character of Britons, by violating the most sacred rights of hospitality, are thus anxiously excused and extenuated, by an hon. gentleman holding a respectable office, it becomes a question, whether these acts be adopted and made their own by the government of Great Britain. In cases so atrocious, impunity is a vow. Lukewarm censure is a cowardly confession, that we have neither the honesty to condemn, nor the boldness to justify crimes. It ought not to be the choice of ministers, although it be often the destiny of advocates in a desperate cause, to cover defense under the disguise of palliation, and to seek the advantage without incurring the odium of a justification of the crimes of their clients. Shall we proclaim to Europe, by rejecting this address, that we consider this barbarous breach of a hospitality, sacred among savages, as hardly deserving of the mildest censure? Shall a British consul prompt, and a British general perpetrate a violation of the rights of suppliant strangers, at which an Arab Sheik would have shuddered; and shall we hear of nothing but excuse and apology, and tenderness, and lenity, towards the authors of this indelible national disgrace?

The hon. gentleman complains of my hon. friend, for having spoken of the character of the Spanish government, which he thinks foreign to the question. What, Sir! In a question relating to the surrender of prisoners, is the moral character of the government to which they are surrendered, a matter foreign to the decision? I will not say that it is absolutely decisive of the question, because I believe, that the merits of no government could have justified such a surrender. But, certainly, the demerits of the government may form its highest aggravation. Is there no difference between surrendering prisoners, to fair trial, or to barbarous oppression? to judges, or to murderers? to the Dey of Algiers, or to the King of Great Britain? Is not the practice of mutually surrendering common offenders, wherever it prevails, founded on that degree of confidence, which the civilized nations of Christen-

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dom reasonably feel in each other's justice, and in the expectation, justified by experience, that such common offenders will be fairly dealt by, and punished only if they are guilty? The whole deference of the courts of one country for those of another proceeds on the same principle, and would be unwarrantable without it. What respect would any European tribunal affect for the judgments of courts at Morocco? In proportion as any government of Christendom degenerates into a resemblance to Morocco and Algiers, the propriety of surrendering the most common culprits into their hands, becomes doubtful, and the guilt of betraying to them political fugitives, is aggravated a thousand-fold. It might well be questioned, whether a government that had just re-established the Inquisition had not forfeited all claim to be treated as a member of Europe; and if we were considering the surrender of a felon to such a government, we might reasonably fear, that under pretence of a charge of theft or murder, he was in truth to be tried for the imaginary crimes of heresy or witchcraft.

I believe, Sir, that I may venture to lay it down, if not as a part of the consuetudinary law of nations, at least as agreeable to the usage of good times, that though nations may often agree mutually to give up persons charged with the common offences against all human society, civilized states afford an inviolable asylum to political emigrants—I lay aside what may have occurred since the French Revolution. None of the irregularities which it may have produced on one side, or provoked on the other, are worthy of being quoted as examples, or, indeed, mentioned for any other purpose than to be avoided. In the century which preceded that Revolution, which were the good times of Europe, I may venture to challenge any man to produce an example of a deviation from this humane usage. If we are desirous of returning to those good times, we can only do so by resuming the usages, and re-establishing the principles which made them good. None of its usages was more salutary, none of its principles more venerable, than the inviolable right of political asylum.

The surrender of common offenders is evidently the case provided for in the convention just laid before the House, between the governor of Gibraltar and the commander of the Spanish lines in



1794: it provides for the delivery of deserters, smugglers and felons; and though it afterwards employs more general words, it is evident that their generality is restricted by the instances which are enumerated, and by the nature of the case. No convention entered into by a foreign governor can be construed to extend to political accusations. It would be an act of the most extreme presumption and audacity for him to attempt to stipulate for the surrender of persons labouring under such accusations; they might, for aught he knew, be persons with whom his government had already formed just and legitimate connexions. So limited, the convention of 1794 is no exception to the doctrine for which I contend: it is no breach of the law, or departure from the approved usage of nations, however much it may be doubted, whether it did not stipulate to do, what cannot be done without a violation of the law of England.

Having thus stated the general principles, and having briefly shewn that the convention of 1794, brought down to overwhelm us, implies no deviation from them, and affords no colour for the present transaction, I must now review, as shortly as I can, the facts of the case: and I must say, that I should have willingly forborne to animadvert on the conduct of sir James Duff, out of consideration for his own age and services, and for the respectable feelings of his relation, my hon. friend (sir H. Dalrymple Hamilton), who addressed the House on his behalf; but I am compelled, with whatever reluctance, to relinquish that course. One hon. gentleman (Mr. Goulburn) has declared, that sir James Duff has only 'done his duty'; another hon. gentleman (Mr. Bathurst) who addressed the House, I believe, for the first time, with so much promise of talent, and with an occasional embarrassment so graceful in a case where his noble father was even remotely interested (though I must interrupt my course to say, that the noble lord is, perhaps, the only public person in the whole transaction against whom no party can insinuate the least blame); that hon. gentleman complains of 'exaggerated statements' against sir James Duff. The conduct of that gentleman might have been covered by his infirmities and by his merits. The defence of it by his respectable relations would naturally be sacred from attack; but when it is thus sanctioned by public authority, it must be freely discussed.

About ten days after Ferdinand the Seventh had denounced vengeance and proscription against every Spaniard who dared to exercise his reason, or to prefer law to lawless despotism; when he had made known his resolution to re-establish civil and religious tyranny on the ruins of that unwisely constructed, though generously conceived, edifice of liberty, on which alone his own title to sovereignty could be rested; Don Antonio Puigblanc, a learned and virtuous man, professor of Hebrew in the University of Alcala, conscious of having committed the now unpardonable crime of writing against the Inquisition, determined to seek safety by flight to Gibraltar, when he naturally expected that from such a charge he should find an inviolable refuge under the dominion of a hospitable, powerful, free, and Protestant nation. For this purpose he obtained a passport from Valdez, the governor of Cadiz, which, on the 14th of May was counter-signed by sir James Duff. On the 15th he sailed for Gibraltar, where he arrived in the evening, and landed next morning. On the 16th, 17th, and 18th, he and his friend appeared publicly in every part of the fortress, met and exchanged the customary civilities with the consul of their nation, having landed and entered the fort by a permit given to them in exchange for their passport, and having given their names to the inn-keeper with whom they lodged, to be given by him to the town-major, according to the custom of fortified places. But on the 16th, a few hours after sir James Duff had countersigned this passport, he secretly dispatched a letter to the government of Gibraltar to defeat its effect, and to violate the security for which he had so lately pledged the national faith. In order to ensure the violation of his own passport, he points it out as a means of detecting the very persons whom it professed to protect. The possession of this solemn promise of security was to be the mark by which the destroyers were to distinguish the victims.—A British consul informs a British governor that he may recognize the proper persons to be arrested and delivered up, by their having entered his fortress with a passport guaranteed by British faith.—On the evening of the 18th, the governor, alive to such honourable and generous suggestions, arrests the unhappy victims of their confidence in a British passport. His secretary, Mr. Stedman, who seems to delight

in such missions, and to be worthy of them, offers the prisoners to the Spanish consul, as persons who had entered the fort under fictitious names, without advertising to the secret dispatches from Cadiz, and notifies their apprehension to sir James Duff as a consequence of his dispatch, without any allusion to the supposed fictitious names. They were sent under an English guard (I shudder at uttering the words), and humanely received by the Spanish commandant at Algeiras, who, with tears in his eyes, executed that sad duty which sir James Duff, and general Smith, and Mr. Stedman, had so eagerly and so joyfully undertaken. He expected, no doubt, never to hear of them more; but he was miraculously disappointed. After an imprisonment of four months in the dungeons of Cadiz, these men, pronounced to be such dangerous criminals by sir James Duff, were declared to be innocent by the tribunals of their enemies. They had sought refuge in a British territory, from oppression by the Inquisition—they found refuge from the barbarous treachery of Englishmen, in the justice of Spanish tyrants. Don Antonio Puigblanc, after having escaped the fires of the Inquisition and the betrayers of the suppliant, has reached this island, and now listens to the narrative of his wrongs.

On the part of sir James Duff it is said, that he granted the passport before he knew the dangerous character of these poor gentlemen, that he was bound to send the information to Gibraltar as soon as he discovered it, and that his letter contains only information, without suggesting imprisonment or surrender.

The slightest examination of dates and circumstances overthrows this defence. What new information respecting well-known persons could sir James Duff have collected in a few hours? The crime of Mr. Puigblanc was a publication of two years standing. He contributed to abolish the Inquisition in 1812: "The very head and front of his offending has this extent, no more." Could sir James Duff have been ignorant of this great crime when he granted the passport? He who had resided forty years in Cadiz, he who took so active a part in Spanish politics, he who is represented as such an enthusiast in the cause of Spain, who felt such enthusiasm for the government of the Cortez, and who is ready to transfer his enthusiasm to every succeeding government! He who is become so much a

Spaniard in head and heart, as to despise our English and Protestant prejudices against the Inquisition! Could he be two years ignorant of a celebrated work against that tribunal, published in the city where he so long resided, and where he had performed so conspicuous a part? He does not even impute any new offence to Puigblanc: the crime was known to himself as well as to the public when he countersigned the passport, which he almost instantly employed clandestine means to violate.

It is perfectly vain to represent the letter of sir James Duff as any other than a suggestion to arrest and deliver up these unfortunate gentlemen: for what other reason does he enumerate and display their crimes? Why does he charge Mr. Puigblanc with the atrocious guilt of having attacked the Inquisition? Why does he charge another of them with the almost equally enormous offence of aiding an opposition paper?—So Stedman understood him, for he immediately wrote to inform sir James, that on the receipt of his letter they were immediately apprehended. He understood sir James so well as even to promise that measures should be taken "to discover and apprehend other persons of a similar description." The letter of the consul was, indeed, evidently concerted with that of Villavicencio, the new governor of Cadiz, who applied for the surrender of the victims, and who could have learned from the consul only "that some of them were provided with passports from a legal authority." And in a subsequent letter from sir James to Stedman, of the 24th, he completely admits this construction of his letter, by thanking the government of Gibraltar, in the name of Villavicencio, for having apprehended the fugitives and betrayed them into his dungeons.

Villavicencio, indeed, is capable of much. He was a member of the Regency under the Cortez; and with a forwardness in servility, I believe unrivalled among his fellow apostates, he was the first and fiercest persecutor of his colleagues and brethren. But on the 16th of May he was only on his way to Cadiz, and he seems to have been entirely instructed and prompted in this affair by the British consul, the prime mover and instigator of the whole treachery.

I am obliged in this discussion to lay aside all consideration of the character and services of sir James Duff. Let his

character be as pure and his services as eminent as his warmest friends can desire to represent them; they only aggravate the mischief of his conduct on this occasion. The more respectable he is as a public servant, the more will his acts be regarded as the acts of his country. And certainly if his character be so high, he can suffer little by the disavowal of one of his acts; it is the more necessary for the public, and the less injurious to him.

And now, Sir, I proceed to the case of general Smith, who has almost been given up. His conduct is too utterly indefensible to make any attempt at justification decent or safe. He is the immediate perpetrator of this treason against the honour of his country, and his guilt stands proved by his own narrative. But we are told that he has been sufficiently punished by the censure in lord Bathurst's letter. The truth is, that lord Bathurst's letter to general Smith is only an inquiry into the facts of the case, and a direction for his conduct in future. Lord Bathurst had too much sense and honour to pronounce any censure on his conduct till he had seen his own statement of it. We have that statement before us; and upon his statement we call upon you to censure and to disavow him. We are told that he was but a temporary commandant of Gibraltar, unlearned in the laws and usages of nations. But I am informed that he was long an officer in the garrison, and I am sure that no officer could deserve to command at Gibraltar for a day who did not feel an instinctive horror at betraying suppliants—who did not instantly perceive the wide interval which separates common thieves and murderers, from the members of an unsuccessful political party—and above all from those who fled from the tyranny of Ferdinand the Seventh.

It is said that much allowance is to be made for the rigorous measures to which the governor of a fortress may be reduced. I perfectly agree that military necessity will justify whatever it compels. But with lord Mansfield in the case of Fabrigas and Mostyn I say, let the necessity be alleged—let the necessity be proved. Let not the vague words necessity, and fortress, and military regulations, supply the deficiency of justification.

It is, indeed, contended, that these unhappy gentlemen were guilty of some breach of the regulations established at Gibraltar in their mode of entering that fortress. I deny the fact; but to cut short

the dispute, admit it for a moment, and what is the consequence? That they might have been apprehended; that they might have been fairly tried before a court-martial of that garrison, who might have sentenced them to such punishment as their offence seemed to merit, even to death, if they proved to be spies. I admit all this. But where ought the punishment to be inflicted? Certainly in the place where the offence was committed; in the place where the court had authority; in the fortress for whose security the example of the punishment was intended to provide. Where is the trial? Where is the punishment here? A breach of the regulations at Gibraltar might justify the apprehension of these gentlemen; but it never can justify their surrender. It has nothing to do with their surrender. The governor of Cadiz is not the provost martial of Gibraltar: he is not to punish breaches of its regulations. The surrender is the unanswerable and odious part of the charge. It is therefore vain to speak of regulations, or of military necessity, or of the rights of a military governor. General Smith did not exercise these rights: the necessity is not even pretended. It is not in the dungeons of Cadiz that a breach of the regulations of Gibraltar is to be punished.

"But they entered the fortress under fictitious names." Now, Sir, this is a serious fact. It is publicly denied by Don Antonio Puigblanc. He charges general Smith and Mr. Stedman with intentional and deliberate falsehood, for the base purpose of blackening the fugitives whom they had betrayed. He accuses general Smith with having invented this falsehood to palliate his treachery, and with having repeated it, with a knowledge of its falsehood, three months afterwards to the Secretary of State. God forbid that I should impute falsehood to a British officer till he had been heard in his own defence. I heartily pray that general Smith may be able to refute a charge so deeply affecting his personal honour. But thus much I must say, that it is a charge which he cannot pass over in contemptuous silence with safety to his character. It is my duty now to state the facts which imperiously demand a decisive explanation; and I will take it upon me to affirm that when they are stated, no man in this House will doubt, that if general Smith does not immediately implore a court-martial for the vindication of his honour,

it will be impossible for the guardians of the honour of the army to avoid an inquiry whether his name can remain on its honourable list. The conduct imputed to him is that which, of all others, is most unworthy of an officer and a gentleman; and though I trust he will prove his innocence, I am bound to say that the accusation rests on grounds which absolutely require such proof.

When it is said that these gentlemen entered Gibraltar under fictitious names, the first question which naturally occurs is, why? Had they any reason to doubt that the British territory would continue as in all past times the sacred refuge of the oppressed? Did they not know that we had received the fugitives from Philip 2 and the duke of Alba? Had they not heard how, even under a superstitious tyrant like their own, this nation had welcomed and cherished those who fled from the persecutions of Louis 14, the confessors and martyrs of the Protestant faith; that admirable body of exiles who more than repaid every land which they visited, by the example of their piety and virtue, as well as by the subordinate advantages of art, and industry, and wealth? Had they observed in our recent history any mark of degeneracy from ancient virtue? Did we belie the character of our ancestors, in our reception of that other body of emigrants from France, who, flying before a bloody tyranny which profaned the venerable name of a Republic, found here security and friendship, and left behind them a spotless reputation? What calumniator of this nation could have infused into them a distrust of a British fortress? What could prompt them to insult our character, by the supposition that disguise was necessary to avoid our treachery?

By what infatuation could they destroy the safety of the passports which they had carried with them? These passports were granted to them only the day before, under their real names. When they obtained them they must have intended to use them, and consequently to enter Gibraltar under the real names mentioned in the passports. What motive can be conceived for their desiring to reject the security afforded by the passports, and choosing to enter a foreign fortress, where military regulations are and must be rigidly enforced, without any official protection, and with the extremely dangerous circumstance of a fictitious name? And this, too, after they had proclaimed at Cadiz their

names and destination for Gibraltar, and when, (according to their own statement, which, if it be false, may be very easily refuted,) they gave in their passport on their arrival, and thus supplied the means of detecting the fictitious names. If they thought a fictitious name a better protection than a British passport, why did they solicit the passport? why did they not destroy it? why did they put it into the hands of the public authorities at Gibraltar? I must own that I cannot explain any of these circumstances.

But farther, it is extremely observable that in Mr. Stedman's letter to sir James Duff of May the 19th, this remarkable circumstance of fictitious names is totally passed over. Considering the tone of the letter, it would have been natural to have said, "Though the villains had your passports, yet they were afraid to trust to them, and came here under fictitious names." No allusion to what is now said to be the very reason of the arrest. "I had the honour to receive yours of the 16th last night, and immediately laid it before the commander of the forces, who promptly issued orders for the apprehension of the persons named, and I am happy to inform you that in less than two hours Poigblanc and Correa were made prisoners." These are the words of Stedman; and I defy any man to say that in their natural signification they do not import that the letter from the consulate was not the true and the sole cause of the apprehension of these gentlemen.

General Smith indeed in his letter to lord Bathurst of the 31st of August says, that "a short time after the receipt of sir James Duff's letter, a report was made to him that two persons answering the description, had, by fictitious names, made their way into the place." A most fortunate coincidence indeed between the report and the letters, and the more wonderful because from Stedman's words we should have concluded that no time passed, and certainly that no event so remarkable as the discovery of the fictitious names had occurred between the arrival of the letters and the apprehension of the fugitives. But unfortunately it opens another difficulty. These persons had entered the fort on the morning of the 16th; they lived at a public inn; they frequented the common walks; they had been seen by the Spanish consul. How came the report of the entry of two strangers on the morning of the 16th, to be for the first time made



to the governor on the evening of the 18th? Here indeed difficulties crowd upon us. Urrutia, the Spanish consul, on the 19th demands them by their true names, and appears never to have heard that they had assumed any other, till he is informed of it by Mr. Stedman's answer. How did he learn their real names if they had not appeared at Gibraltar under them?

But why should I waste the time of the House? It is manifest that if the assumption of fictitious names were true in point of fact, it could not be the true cause of the detention; this we have on the confession of Stedman. He concludes thus the letter of the 19th already stated: "I have received some information relative to Lopez and Don Miguel Cabrera; and if they are here, I hope they will soon be discovered. I am to inform you that measures are taken to discover and apprehend any other persons of a similar description." Did Lopez and Cabrera enter under false names? It is not even pretended; yet they too were to be arrested: or if they had, was the same disguise assumed by the undefined multitude whom this restorer of general warrants describes as 'persons of a similar description,' whom he had taken measures 'to discover and apprehend?' It is apparent that this plan was to convert Gibraltar into a vast Bow-street for Ferdinand 7, and that the consulate of Cadiz were by perfidious passports to betray fugitives into his toils again. If the fictitious names could justify the apprehension, what have they to do with the surrender?

Indeed I should have thought this circumstance of false names not to be deserving a long discussion, if it had not given rise to a most grave charge of intentional falsehood against a general officer in the British army, and if I were not most conscientiously convinced that it is the duty of his Majesty's government to inquire judicially whether general Smith can retain his commission, and to ascertain whether Mr. Stedman can continue to fill any station in his Majesty's service.

For part of the conduct of sir James Duff, the part of it which has probably produced the most wide-spreading mischief, and for much of the spirit which breathes through his words and actions, I am sorry to say that I think there is some excuse, if not justification, in the instructions which he received from the government of his country. This is the

most important part of the melancholy and disgraceful transaction before us, and I must entreat the serious attention of the House to it.

On the 6th of May 1813, instructions were transmitted from the office of the foreign secretary of state to all his Majesty's ministers, consuls, and vice-consuls, requiring that all persons proposing to embark for the British dominions should apply to them for passports, which wherever the character or object of the person seemed (to the minister, consul, or vice-consul,) to be objectionable, were to be refused.

Authorized and stimulated by these instructions, it is but too certain that the consulate of Cadiz refused even treacherous passports to many who sought to fly from their tyrants, and who were not yet disabused with respect to their long confidence in the inviolability of British territory. How many gentlemen of liberal education and condition, how many of those who led the resistance which saved Spain may, from such refusals, be now galley slaves at Ceuta, or languishing through the short remainder of their lives in a pestilential dungeon in the Philippines, we shall perhaps never know. These foul deeds are now involved in the impenetrable darkness which shrouds the Spanish monarchy. But when we see that the friends of liberty are treated as the vilest criminals, we may be well assured that at Cadiz alone, the number would be sufficient, if we could contemplate their present sufferings, to silence the stoutest champion of the consul and the governor—perhaps to alarm the authors of the instructions themselves.

Not content with those terrible powers, those powers unknown to our ancestors, unheard of in any other government calling itself free, vested by the Alien Act; they transfer their exercise by these instructions from the highest officers of the state, who execute them under the eye of the public, under the constant control of parliament, under every sort of legal and moral responsibility, to several hundreds of agents abroad; many of them obscure, many of them foreigners; where the abuse of their power can scarcely ever be known, where no public overlooks them, and no parliament has much chance of ever knowing their offences. By a clandestine instruction, which nothing but the accidental course of this investigation would have brought before the House, they confer the

power of shutting the gates of national hospitality—of shutting “the gates of mercy on mankind,”—upon every vice-consul from Archangel to the southern extremity of Morocco! It is scarcely possible to imagine a discretion more likely to be abused—I certainly mean no disrespect to those who are charged with the commercial interests of their country abroad; nor is it really disrespectful to any body of men, to describe the temptations to which they are peculiarly exposed. From peculiar temptations, no profession or condition of human life is exempt. The consul or vice-consul is most commonly a trader in the port where he is established. Will he be quite sure to estimate impartially, the claims to a passport of a rival speculator in commerce? Will he easily grant a passport to him who desires to go to England to carry on a law-suit against himself, perhaps to complain of his oppressions to government, or to the criminal courts? By these instructions he is armed with authority to defeat the commercial speculations of his rivals, to shut the King’s court on suitors or men aggrieved, to control the course of public justice. He may adopt the prejudices of his neighbours against an unhappy individual—he may be deterred from protecting him, by the vulgar clamour which he secretly despises—he may pay his court to the government of the country where he resides—he may ensure favour or the means of wealth from them, by driving back into their dungeons the suppliant who had implored permission to enter England—he may pay his court to unworthy English ministers by secretly oppressing those whose principles are obnoxious to them, but whose character is too high to be safely oppressed in the face of England. If such instructions had existed in the age of Louis 14th, can we doubt that many of those who were afterwards a blessing and an ornament to this country would have perished obscurely and miserably in the galleys? With such a pretext, is it credible that no consul would have paid his court to his own and to the French government, by the refusal of passports to the obnoxious Protestants? If they had existed in 1792, who will venture to say, that they might not have furnished cowardice, or malignity, or corruption, with a pretext for sending one more blameless head to the scaffolds of Robespierre?

What a shocking contrast does a late act of the government of France afford to

this treachery of our governors and consuls, to the spirit of the instructions under which they acted, and to the anxiety so strangely manifested, to screen them from the mild censure of this address! General Mina, the celebrated leader of Guerillas, who had so greatly distinguished himself in the cause of Ferdinand the Seventh, was obliged on his restoration, like most of those to whom he owed his throne, to fly from the vengeance of that grateful monarch. Fortunately for him, he did not throw himself on the hospitality of the governor of Gibraltar—he did not appeal to the compassion of his allies and companions in arms—he took refuge in France, and he found a secure and respected refuge among those officers, whose blood he had so liberally spilt, but who felt and honoured his valour. A Spanish agent (I hope not a diplomatic minister) had the audacity to order a commissary of police to arrest this gallant Spaniard in the city of Paris. The respectable person who was then minister of police, communicated this usurpation to his Most Christian Majesty. That prince, in the spirit of the charter which he granted to his people (as long as they observe which, I pray that they may securely reign,) instantly dismissed the commissary of police, directed the Spanish agent to quit Paris in 24 hours, and gave the necessary orders for continuing the same honourable protection as before to general Mina. It is true that neither the government of France, nor any other that has any pretensions to liberty, possesses those monstrous powers over aliens, which can only be excused, if they be excusable, by unparalleled perils, and of which, as all shadow of peril is now past, I hope ministers will hasten to divest themselves.

Indeed, Sir, the question seems to me of deep and unspeakable importance. We shall be numbered among the accomplices of these men, if we refuse to disavow their crimes. The refusal of the House to censure them, the anxiety of ministers to excuse them, will confirm a most disgraceful and injurious suspicion, which, true or false, is already but too prevalent, that the secret influence of Great Britain is not neutral in the struggle between despotism and liberty in Spain; or rather, in the cowardly persecution raging in that country against the defenceless friends of liberty, and carried on by a monarch who owes to them his throne. Men in office may speak of these events with official reserve. This may be fit for them. But no inde-

pendent Englishman conceals his indignation. All Europe regards the state of Spain with shame and abhorrence, and heartily prays for the downfall of its government. No suspicion more generally injurious to the British character could prevail, than that we secretly prompt or even connive at those acts which we dare not justify.

The veneration and enthusiastic attachment felt towards this country by the lovers of liberty and of justice, in other countries has long formed a more considerable part of our moral force than vulgar politicians may perhaps believe. They are our disinterested unsubsidized allies. Their opinion has exercised a constant though often invisible influence on the measures of government. During the greatest part of the eighteenth century their reverence formed much of our importance and dignity; detached from us in the American war, overwhelmed in the convulsions of the revolutions, it revived with tenfold force under the pressure of military despotism, and had perhaps reached its zenith at the treaty of Paris.

God grant that the present and similar events may not since that time have robbed us of much of this honourable strength! It was founded on the spotless faith of this kingdom. It was founded on the inviolable asylum of her sacred territory. It was founded above all on that noble system of wisdom and justice the free constitution of England; which made us observant of faith and hospitable to the oppressed; the school of every virtue, the source of the inferior benefits of wealth and power; the model, the pride, the hope, the consolation of the human race. When our national faith is now mentioned, I must hang down my head with shame and dejection; it is bartered for Alexandria; it is bartered for Savoy; it is buried in the same grave with the independence of Genoa. Our territory is no longer a city of refuge; our flag is no longer the symbol of security and the badge of hope to the eye of the oppressed exile. A British consul has become an alguazil of the Inquisition, and a British general has become a gaoler for Ferdinand; while the desponding friends of freedom begin to apprehend, that whatever remains of attachment to the laws of their forefathers may still linger in the bosoms of the people of England, her ministers have learned from familiar acquaintance rather to fear than to love liberty.

Mr. Wellesley Pult said, that notwithstanding the very elaborate speech of the hon. and learned gentleman who had just sat down, it appeared to him that the question before the House lay in a very narrow compass. The hon. gentleman, who had brought forward the motion, had with great candour and justice declared, that he was satisfied that the secretary of state had shewn every disposition to remedy the mischief, and to repair that breach of hospitality which the commanding officer at Gibraltar had, from an erroneous conception of his duty, committed. He had declared that he should not have made this motion, conceiving that general Smith and sir James Duff had already been sufficiently punished, if something which had fallen from his right hon. friend, the Chancellor of the Exchequer, had not made a further discussion necessary. He was ready to admit, that the conduct of general Smith could not be justified, and he assented that his hon. friend (Mr. Goulburn) had not attempted to defend it; he had merely endeavoured to shew the misconception under which that officer acted, and to prove that for that misconception he had already been sufficiently punished. Indeed, he thought the subject had been so ably discussed and elucidated by his hon. friend, that he should not have thought it necessary for him to trouble the House, if it had not been for some extraneous matter which had been introduced by the hon. mover, and by the hon. and learned gentleman who had just sat down, and which he felt it impossible to suffer to pass without notice.

The hon. gentleman who brought forward the question, had thought proper to enter into a discussion upon the present state of Spain, and to animadvert in severe and harsh terms upon the conduct of king Ferdinand and upon his government. The hon. gentleman had also added that impressions had gone abroad that the government of this country had assisted the king of Spain in the conduct which he had pursued since his return. He begged to observe, that he was at a loss to conceive what good the hon. gentleman supposed could arise from such animadversions, upon, and such language towards, an ally of this country. Whatever the House or the ministers might think of the conduct of the Spanish government, nothing that they could say or do, could prevent the sovereign of an independent country from governing his own dominions as he pleased.

No man could deplore the conduct of the Spanish government more than his Majesty's ministers did ; but when gentlemen asserted, that the king of Spain and his ministers stood alone in that country, that the people were inimical to king Ferdinand, and disapproved of his conduct in annulling the cortes, he assured them that they were entirely mistaken ; and it was important that he should, by stating a few historical facts, set them right upon that subject : he begged, however, in so doing, to guard himself from the supposition, that he, or any of his Majesty's ministers, approved of the conduct which he was about to describe ; for he assured the House, that if ever the time should come when the whole of the conduct of his Majesty's ministers, of our ambassador in Spain, and of the commander in chief in that country, could be made public, it would appear, that nothing had been left undone that could be done by advice or representation to prevent those events which every one must deplore.

But the hon. gentleman should not run away with the opinion, that there was but one sentiment in Spain respecting the Spanish government. Upon the return of the king of Spain to his dominions, he went to Valencia, and the hon. mover had expressed his regret that the British ambassador, sir Henry Wellesley, had gone thither to meet the king. The hon. gentleman had not, indeed, blamed that conduct, but he had lamented it. The hon. gentleman, however, should recollect, that sir Henry Wellesley was sent as ambassador to king Ferdinand, in whose name the cortes and the regency carried on the government, and that therefore, when the king returned to his dominions, it was the duty of the British ambassador to pay his respects to the sovereign to whom he was accredited. But, when the king arrived at Valencia, he was met by the general officers of his army, and by a great variety of other persons, who all implored him to put an end to the then existing government, and to remove the cortes. Throughout the whole of his journey he heard nothing but the same language of detestation at the government of the regency and the cortes. He regretted very much that such should be the case, but the fact was so. The king arrived at Aranjuez on the 11th May ; his proclamation annulling the old government was dated the 4th of May, and issued at Madrid on the 11th ; and on that day a part of the members of

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the cortes were put in prison. What followed ? On the 13th, the king set out for Madrid. Upon that occasion, the whole population of the country assembled ; they took the mules from his carriage, and he was drawn from Aranjuez to his capital, amidst the enthusiastic acclamations of the largest assemblage of the people that had ever been known in Spain. If, therefore, gentlemen thought that the conduct of the king in removing the cortes was unpopular in Spain, they were completely mistaken. He wished that the people of Spain felt as the people of England did ; but it should be recollected, that as the latter would not suffer any foreign nation to interfere with their internal government, so, on the other hand, it was rather too much for them to say, that they had a right to dictate to another people what sort of government they should have, and to revile them because they did not think and feel like Englishmen. He lamented therefore, he repeated, that gentlemen thought it right to animadvert in such strong terms upon the Spanish government ; it could answer no good end, and might tend to shake our alliance with that government—[Hear, hear ! on the Opposition side of the House]. He begged gentlemen to consider that it was no unimportant matter whether Spain was thrown into our scale or into any other.

The hon. gentleman had also said, that there were imputations against us for our conduct to New as well as to Old Spain ; but surely nothing could justify Great Britain, being in alliance with Spain, to interfere between the mother country and her colonies, more than we had done in the time of the cortes, when we offered our mediation, which was unfortunately not accepted. The hon. gentleman had also mentioned the duke of Wellington ; he had, indeed, mentioned him as he always did, in a manner that must be gratifying to every one who felt an affection for that noble person ; but the hon. gentleman seemed surprised that the noble duke, who had received his honours and favours from the cortes, should have again received them from the king : but the hon. gentleman should recollect, that these honours were conferred in the name of the king, and therefore it was natural that the king should confirm the honours which had been granted in his name. He was ashamed to have taken up so much of the time of the House upon this part of the subject.



The hon. gentleman who brought forward this motion, and the hon. and learned gentleman who spoke last, differed essentially from each other in their views of this subject. The former (as he had before stated) was of opinion that general Smith and sir James Duff had already been sufficiently punished, and had only moved this Address to mark more strongly the sense of the House upon this transaction; the latter thought the conduct of general Smith quite atrocious: he disbelieved the statement of the general respecting the entrance of these persons into the garrison under false names. Upon that point he chose rather to give credit to M. Puigblanc, notwithstanding the statement of Mr. Stedman, who, when he wrote the letter before the House, could never suppose that this subject would be made public. The hon. and learned gentleman even thought that the conduct of general Smith should be made the subject of military inquiry. This was not the opinion of the hon. gentleman who brought forward this question. There was not one word to that effect, either in his speech or in the Address. The hon. gentleman who brought forward the motion, and the hon. and learned gentleman who spoke last, differed also most essentially with respect to the Convention entered into in 1794. The former was of opinion, that it was absolutely illegal, while the latter considered it as perfectly conformable to the law of nations. When two gentlemen of such distinguished talents and information differed so widely in opinion respecting that agreement, surely the House would make great allowance for an officer situated as general Smith was, recently and unexpectedly called upon to take the command of so important a garrison as Gibraltar. In his own opinion, the Convention of 1794 went rather farther than the law of nations would in strictness allow; but whether that was the case or not, general Smith knew that that Convention had been acted upon; and that he should have mistaken its meaning, could not, he thought, be fairly considered as so heinous a crime as the gentlemen on the other side had endeavoured to represent it. That he had acted erroneously was admitted; but, surely, in determining the degree of censure to which he was liable, the House would take into consideration the *animus* by which he was influenced. It was impossible to suppose that he meant intentionally to violate his

duty, and to expose himself to censure. What motive, what object, what temptation had he to act wrong? Let gentlemen look at the situation in which general Smith was placed, the character he had to maintain, and the responsibility under which he acted, and they must be convinced that his conduct could only be founded upon an erroneous conception of his duty. If, then, the House was satisfied, that that officer, though he acted wrong, acted without a bad motive, they would, he was sure, think that the letter of lord Bathurst was a sufficient punishment for the offence; because, to a gentleman of his rank, it was not only a severe censure, but a serious misfortune.

With respect to the case of sir James Duff, his hon. friend (Mr. Gouldburn) had put it so clearly that it would be a waste of time for him to enlarge upon the subject. Here was a zealous and active public officer, who thought that some suspicious persons were going into the garrison of Gibraltar, and he thought it his duty to apprise the governor of the fort. He did not desire that they should be taken up; he merely put the governor on his guard. Sir James Duff was a man of a mild and amiable disposition, and therefore, though he thought it his duty to communicate what he knew to the governor of Gibraltar, he did it in as soft a manner as he could. The same principle upon which he had contended that the case of general Smith ought to be determined, applied to that of sir James Duff. Gentlemen, he was sure, would bear in mind that sir James Duff was a man of above 80 years of age, near fifty of which he had spent in the public service. He had resided near 40 years at Cadiz, where no man was better known or more beloved. He was, indeed, considered as the father of the city. During the whole of his long public life, he had uniformly met with the approbation of his superiors. The present British ambassador in Spain, he knew, entertained the highest opinion of sir James, and his predecessor in that embassy (whom he had seen that morning) had spoken in the highest terms of him. It was, therefore, impossible to suppose, that a man who had passed so long a life with so unblemished a reputation, would intentionally misconduct himself.

The hon. and learned gentleman who had spoken last, had indeed admitted the high character of sir James Duff; but had drawn from it the most singular inference

that it was possible to conceive. "If," said the hon. and learned gentleman, "sir James Duff had been a man of an indifferent reputation, his conduct might be passed over; but as his character through a long life has been most excellent, therefore punish him severely." And why? "because he can bear it." How would the hon. and learned gentleman feel, if having spent a considerable portion of his life in the public service, with an unblemished reputation,—how would he feel, if he were now to commit an unintentional error, and were to be told that he must be punished severely, and that he owed the severity of his punishment to the excellence of his past conduct? Was this sensibility—was it humanity—was it justice? Did not the hon. and learned gentleman know, that in the same proportion as a man's character stood high in public estimation, would he feel the severity even of the slightest censure? From what source did the hon. and learned gentleman draw this new and extraordinary principle of distributive justice? was it in studying the law of nations, that he learnt this new mode of rewarding the long and faithful services of an old servant of the public? It appeared, that after the acquittal of M. Puigblanc, sir James treated him with the greatest kindness; feeling that he had done that gentleman an injury in one instance, he had eagerly seized the first opportunity of making atonement.

Upon the whole, though he disapproved of general Smith's conduct, and wished that the letter of sir James Duff had not been written, yet, thinking that they had already been punished sufficiently, he could not agree to the motion. There was one part of the address to which he had no other objection, except that it was not necessary—he meant that part which recommended application to be made for the release of the unfortunate persons remaining in confinement. He thought it unnecessary, because no gentleman could doubt that every effort would be made to procure their liberation.

Mr. Alderman C. Smith knew one of the unfortunate individuals in question, and thought the House and the country much indebted to the hon. mover for agitating the subject.

Mr. Addington vindicated his Majesty's government, particularly his noble relative, and explained several of the circumstances connected with the arrest of the individuals adverted to in the motion.

Mr. Dominick Browne declared himself quite convinced of the guilt of general Smith and sir James Duff, and that the reprobation to which ministers had alluded was not a sufficient punishment for such guilt. If any officer had rendered services to the country, the thanks of a secretary of state would not be deemed a sufficient reward; and he could not conceive upon what ground it could be supposed that where an officer had degraded the character of the country, the censure of a secretary of state could be regarded as a sufficient punishment. The hon. member, therefore, concluded with expressing his resolution to vote for the Address; and if that Address called for a more severe punishment of the persons alluded to, he should support it with more cheerfulness.

Mr. Horner was of opinion, that the sentiment expressed by the last speaker was one that came home to the heart and understanding of every individual in the House. No censure whatever, and of course no punishment, he would venture to say, had been passed on general Smith; and the only question was, whether the House would declare in their corporate capacity, what they received as undeniable in their individual belief? Sir James Duff might be deceived, or he might be in the hands of other persons; but the sense of his letters distinctly and specifically pointed out his participation in the whole of this proceeding. It was impossible for any man who examined this correspondence not to see that sir James Duff and general Smith were not to be separated in the consideration of this question. Who then were the persons who had become the victims of this misconduct? M. Puigblanc had been a professor of Hebrew in the university of Alcala. M. Correa too was an officer who had fought with his two sons for Spanish freedom, one of whom had received four, and the other eleven wounds, and was now languishing in the galleys of Centa, to fill up the dreadful measure of ten years of servitude. But it would seem that the cases of these unfortunate persons were not to be inquired into, lest we should lose the benefit of the alliance with king Ferdinand. What benefit could be derived from an alliance with such a despicable tyrant? It might as well be argued that we were interested in preserving terms of amity with the dey of Algiers or with any of the states of Barbary, as with that usurper of the

Spanish throne! [Hear, hear!] 'Yes, he would say, that usurper, who, when he had escaped from captivity in France, had violated the treaty which had restored him to liberty and independence, and overthrown the very body, the cortes, who had contributed to save, and had returned to him a kingdom, of which he had been divested. At this moment, the very creature with whom we were so anxious to be on terms of amity was nothing more or less than an infamous usurper. But it was consoling to know, that the people of Spain were not quietly submitting to his yoke. From the best information he could obtain, he had reason to believe that the present situation of that country resembled the convulsive movements which precede a battle; and in proof of its disturbed state, he could say, that a letter could not now be received at Lisbon from Madrid, but through the medium of mountaineer peasants. Was this a proof that Ferdinand reigned in the hearts of the people? So far from it, this execrable wretch was hated and despised throughout the nation. The hon. and learned gentleman said, he was anxious that the House should give the most energetic expression to its feelings, in the hope that that expression, combined with the known sentiment of the country, and of all that was enlightened and good in Europe, might chance to reach not that insensible wretch Ferdinand, upon whom they could have no effect, but the people whom he so grossly ill-treated—in the cordial wish, also, he would avow, that such sentiments might excite the people of Spain to re-assert their rights, to depose Ferdinand, and bring the miscreant to condign punishment. [Hear, hear!] His conduct was an example of all that was servile in the beginning, ungrateful in the progress, and cruel in the close of that career on which he had entered. Servile to those in whose power he found himself, his ingratitude had been shown to his best benefactors, and his cruelty to those who had restored him to his crown, and his people to their independence. Why ministers should oppose the present motion he could not conceive. He was astonished that any difficulty should be thrown in the way of it, and thought that it was not possible the House could refuse to agree to the Address.

Mr. *Bragge Bathurst* was willing to allow that an offence had been committed, in which both general Smith and sir James Duff were implicated; but they had al-

ready been reprimanded through an official channel. If the thanks of that House was the highest honour a public servant could receive, it must follow that its censure was the severest punishment; and, considering all the circumstances under which the parties had acted, he was not prepared to go that length. The conduct of the king of Spain, which had been introduced by the hon. and learned gentleman, was a topic quite unconnected with the present question. There might be people who liked the state of things now existing in Spain; nay, he believed a vast proportion of that people were friends to arbitrary government and the Inquisition: but did the hon. and learned gentleman mean, that because we liked neither the one nor the other, therefore we should drop all connexion with Spain? It was most impolitic to compare that power with the dey of Algiers, and was calculated to loosen those ties which existed between the two countries. This government had never defended the arbitrary power that was domineering in Spain; but nothing could be more impolitic than by irritating language to throw that government into close alliance with France. With respect to the present question, he thought enough had been already done to satisfy the justice of the country.

Mr. *Horner* stated, in explanation, that he did not think the alliance with Ferdinand of such importance, as to induce the House to suppress its indignation upon the transactions alluded to.

Sir *J. Newport* supported the motion.

Mr. *Wynn* said, that what he wanted was not mere personal censure. The House had a higher duty to perform, that of clearing the honour of the country from an offence committed by its public agents. He thought that an honourable retreat should be offered to sir James Duff, whose services had in other respects been great, and that general Smith should be recalled. He did not feel that the honour of the country could be redeemed without some public act, and the address of that House would strengthen the hands of the Prince Regent's government in its applications for restoring liberty to those men who were in a state of suffering and confinement.

Mr. *Hustison* thought the manner in which the character of the Spanish sovereign had been that night treated extremely ill calculated to give weight to any such representations. The hon. and

learned mover had extremely surprised him when he talked of the unexampled efforts which had been made by the Spanish patriots, when the constant practice of his friends on former occasions had been to complain of their apathy, and of the obstacles which they opposed to the success of the common cause. He would put it, however, to that hon. and learned gentleman's taste and good sense, whether it was becoming the conduct of a legislator, of a member of the British parliament, to talk of an allied sovereign as a wretch and a usurper? What would have been said here, if in any discussion which had taken place in the cortes, the sovereign of this country had been so branded on a question of domestic policy, as the sovereign of Spain had been that night? Would it have promoted harmony between the two countries? And yet there were not wanting questions of domestic policy in this country in which it was possible that the cortes might have interfered. He would ask, also, whether such language was politic in regard to the interests of this country and its friendly connexion with Spain?

Mr. Wynne explained. The House could not, he said, be indifferent to the conduct of public agents of this country, when they thought proper to assume the character of Alguazils.

Mr. J. P. Grant said, that notwithstanding what they had just heard, he felt it his duty thus publicly to declare, that for the person of Ferdinand, and the counsels by which he was directed, he felt nothing but contempt and abhorrence. There was no hope for Spain,—no hope that she could be of any service to the commonweal of Europe, if the government of Ferdinand lasted, if that contemptible and detestable tyrant was not hurled from his throne. The hon. gentleman said, that if he could rouse one man in Spain to resist him, he should think he was doing a service. For while Ferdinand's government continued, there was nothing to fear from her resentment,—nothing to hope from her friendship.

Mr. William Elliot supported the motion. He trusted that at least steps would be taken by government to procure the release of the persons aggrieved, and thought the House ought not to separate without expressing their sense of the conduct of sir James Duff and general Smith.

Mr. Whitbread, in reply, said, that he should be unreasonable, indeed, were he

not contented with the discussion which had taken place that night, in which the conduct of general Smith and sir James Duff, putting private feeling out of the question, had been universally reprobated. He denied that he had brought any charge against general Whittingham, who had distinguished himself so greatly in the brilliant action of Barrosa. He had only said, that he thought it an unfortunate circumstance that that officer should have commanded the advanced guard of Ferdinand the Seventh, when he proceeded to overthrow the cortes. This tyrant dared not to have made his entry into Spain unless the British general had preceded him. He had also only said, that it was an unfortunate circumstance that the name of general Whittingham should have been coupled with money transactions. It appeared from the documents in his hands, that 52,000*l.* had been paid to his divisions of the army. [Here Mr. Hart Davies said, "not pounds but dollars."] The hon. member on referring to the papers, acknowledged that he was wrong, and the sum was 52,000 dollars. That however, he contended, mattered not—it was a sum of money. He had been asked if he would have had general Whittingham refuse to obey the orders given him? He knew not what he would have had general Whittingham do; but he would tell the hon. gentleman, what other officers had done—they had thrown up their commissions. In answer to what had fallen from a right hon. gentleman (Mr. Hiley Addington), who had expressed such anxiety to justify his amiable relation (lord Sidmouth), he would tell him that some most atrocious and disgraceful proceedings had taken place under the Alien Act. When that Act passed, his amiable relation sat in the chair of that House—after that he became prime minister—after that he became nothing—[a laugh]—after that he had been in and out, and in and out several times. With respect to the Portuguese gentleman who was stated to have been sent to the Brazils, the right hon. gentleman had said, it might have taken place during the holidays when he was away from town—he hoped the right hon. gentleman would be able to refute the charge; if not, he would bring the subject under the review of parliament. Adverting to what had been said of the impropriety of speaking against Ferdinand the Seventh, he hoped it would be known to him, that his ty-



ranny was not only censured by the opposition in that House, but by the ministry also. If what passed in the English parliament found its way into Ferdinand's palace, and he should say, speaking with reference to what the opposition might have said, "Oh! these are Jacobins and levellers; let us see what the ministers say in my defence!" he would find that his conduct had been arraigned by the right hon. gentleman opposite (Mr. W. Pole), in terms ten times more severe than any he had used. Mr. Whitbread said, he would still continue to speak against the tyranny of Ferdinand, and he could not but lament that he was not now employed, as he had been part of the time he was in captivity, in *embroidering a muslin gown for the Virgin Mary*, who, in consideration of receiving such a present, worked by his royal hand, had revealed to him in a vision, that he would one day be restored to the throne of Spain.\*—[Loud

\* The following extract from a "Sermon pronunciado en la gran fonction qui se celebros en Cadiz, par Don Blaz de Ostolaza, capellan major de S. M. C. y su Confessor. Ed. 7<sup>o</sup>, en Burgos, de la imprente de la Inquisition, 1814," will explain the above passage of the hon. member's speech. The confessor begins by giving a picture of the life of the king at Valency:

"The king," says he, "rose at eight o'clock, heard mass, breakfasted, made afterwards a party at billiards, entered his closet to read his letters or some portion of holy writ, embroidered at the tambour till two o'clock, at which time he took a short airing in a carriage—he dined on his return—made a short prayer, received his brothers, or those who were admitted to pay their court to him, supped, and before going to bed recited with all his household the Litanies, which he toned himself.

"An agent of Napoleon, whose impious presence he was forced to endure, employed all means of seduction to draw the infant from his holy occupations. He brought a troop of female dancers from Paris, and even his own wife, to endeavour to charm the king; but I perceived by certain signs (adds the confessor, whose words we translate literally,) that the breasts of these women, indecently exposed, were beginning to have a dangerous effect on the prince, who was ready to fall into the seventh deadly sin. I admo-

laughter.] Would to God he had continued all his life to work gowns and petticoats for the Virgin Mary, rather than that he should have returned to his country, to act a part in the bloody scenes in which he was now engaged. Mr. Whitbread then took occasion to notice the appointment of a right hon. gentleman opposite (Mr. Huskisson), which he contended grew out of another appointment (that of Mr. Canning), and stated the right hon. gentleman to have been left behind, a legacy to the present administration, by his dear departed friend the ambassador to Lisbon.

Mr. W. Pole denied, that he had censured the conduct of Ferdinand 7, in terms like those which had been imputed to him.

Mr. Huskisson said, he had not been one of those who approved of the abuse which at one time it was common to hear lavished upon Buonaparté; but,

nished him in time, and, like the slave of Potiphar, Don Ferdinand escaped these new sirens.

"The king was above all things incensed at the poverty of the chief altar of the parish of Valency; and at there being in the Chateau, a play-house, while there was neither a chapel nor an oratory—while the people were luxurious in their furniture and feasts, and miserable in the decoration of their temples. The king embroidered, himself, a beautiful robe of white silk, with gold pallets and gold fringe, for the Virgin. He had raised a superb altar, gilt, and he sometimes served, himself, the mass at the feet of the Queen of the angels. The Queen of the angels was most sensible of these royal attentions, and manifested to him her content by many signs. It happened in particular, that one night an ecclesiastic of the district being overcome with sleep in the church, the Virgin appeared to him as coming out of the altar,—she advanced towards the ecclesiastic, made several turns round him, to display the elegance of her toilette, and said to him, sighing, that her son received the vows of the king in recompence of the fine robe that he had given her; that the Spanish princes would not remain long without being delivered; and that they must form an Order of the Holy Sacrament, with which all the chevaliers should be armed for his defence.

"The priest, much touched by this

surely, it did not become those who had been most forward to condemn this, to speak as they now did of Ferdinand 7.

Mr. *Hart Davis* said, neither the station nor the high tone of the hon. gentleman (Mr. *Whitbread*) would prevent him from persisting in the course which he might think proper; and he thought it right to inform the hon. gentleman, that whenever he animadverted on any relation of his, he would not fail to animadvert on that conduct.

Mr. *Whitbread* said he had no explanation to make.

The House then divided:

For the Address ..... 51

Against it. .... 69

Majority against it..... —18

*List of the Minority.*

Brand, hon. T.	Monck, sir C.
Bennet, hon. H. G.	Mackintosh, sir J.
Browne, Dominick	Marryatt, J.
Cavendish, lord G.	Moore, P.
Calvert, C.	Newport, sir J.
Duncannon, lord	Nugent, lord
Dundas, hon. L.	Ossulston, lord
Elliot, right hon. W.	Power, R.
Ferguson, sir R.	Proby, lord
Forbes, C.	Ponsonby, rt. hon. G.
Fitzroy, lord J.	Ponsonby, hon. F.
Finlay, K.	Prittie, hon. F.
Gaskell, B.	Pym, F.
Graham, S.	Russell, lord W.
Grant, J. P.	Ramsden, J. C.
Gordon, R.	Scudamore, R.
Guise, sir W.	Smith, W.
Grattan, right hon. H.	Tavistock, marq. of
Howorth, H.	Walpole, hon. G.
Heron, sir R.	Whitbread, S.
Knight, H. G.	Western, C.
Lambton, J. G.	Wynn, sir W.
Lyttelton, hon. W.	Wilberforce, W.
Montgomery, sir H.	TELLERS.
Martin, J.	Wynne, C.
Martin, H.	Horner, F.
Milton, lord	

After the division was over, Mr. *Hart Davis* addressed himself, in the lobby of the House with much warmth to Mr. *Whitbread*, on the subject of the attack made by the latter on general *Whittingham*, in the House. Mr. *Whitbread* vindi-

speech, awakened, and came to me to reveal the miraculous vision; but I answered by assuring him that the Holy Virgin had already said as much to the king himself—who in thanking her had promised, that on his return to Spain he would make her worship flourish over all the provinces subjected to his dominion."

cated himself, on the ground that he had no personal enmity towards the general, and proceeded merely upon the information which he had received. Mr. *Davis* replied with unabated warmth, alleging, that the information, from whatever source, did not justify so outrageous an attack upon a meritorious officer, and his relation. Mr. *Whitbread* persevered in the same ground of defence; and as Mr. *Davis* vehemently declared that this was by no means a satisfactory vindication, Mr. *Wynn*, who witnessed the dispute, and was apprehensive of consequences, immediately went into the House, and informed the Speaker of what had occurred. The Speaker immediately sent to desire that Mr. *Whitbread* and Mr. *Hart Davis* would return into the House. Both the gentlemen obeyed the call, and were addressed by the Speaker in the manner usual on such occasions, requiring from each an assurance that nothing farther should pass on the subject. Mr. *Davis* declared, that he reluctantly submitted to the decision of the Speaker. Mr. *Whitbread* observed that he should submit of course.

## HOUSE OF LORDS.

*Thursday, March 2.*

CORN LAWS—KENT MEETING.] The Marquis *Camden* presented a petition from the land-owners praying, the House to take into consideration the state of the Corn laws.

The Earl of *Darnley* said, that though the subject would in all probability be soon in a more formal shape before the House, he was desirous to take the opportunity offered by the presenting of this petition, to make a few observations. It had been proposed to call a meeting of the owners and occupiers of land in the county of Kent, and he had been requested to sign the requisition to the high sheriff with that view, and he accordingly did sign it. He had been also called upon to propose certain resolutions on the subject at the meeting, which he agreed to. The high sheriff, for what reason he did not presume to say, appointed the meeting at Maidstone, on the market day; and for his part he had anticipated what had actually happened. The result was, that all the rabble of Maidstone attended, together with the workmen from the paper manufactories, and a number of idle discharged servants, who raised such a clamour that he could not be heard, and

the land-owners and occupiers of land adjourned to an inn in the town, where, at a very respectable meeting, certain resolutions and the present Petition were agreed to. He was anxious to take this opportunity likewise of deprecating all inflammatory language on a subject in which the passions of the multitude were more easily roused than on any other. In a speech attributed in the daily prints to the lord mayor of London, there was much of this sort of language; but he could not believe that a person in the high situation which he held could really have made such observations. It was a libel on the lord mayor of London. It was impossible that he, who was bound by the duties of his office to pay every possible attention to the peace of the city, could have made use of language which was so likely to inflame the passions, and mislead the understandings of the multitude, and to create riots and disturbance among them. In this libel on the lord mayor, as he must suppose it to be, his lordship was stated to have said, that the proposed regulations would raise the price of the quartern loaf to 16 or 18 pence. How was it possible that it could have this effect? The lord mayor, he presumed, must know that about 104 quartern loaves ought to be made out of a quarter of wheat; and suppose the quarter of wheat to be at 80 shillings, how could the quartern loaf be raised in price to 16 or 18 pence? The quartern loaf, even supposing the quarter of wheat to be 80 shillings, ought not by any fair means to be more than one shilling. Whether the quarter would or would not make 104 loaves, it was at least clear that it would make 80 loaves; and he again asked, could the price of the quartern loaf be 16 or 18 pence? It was true, the quartern loaf was dearer in London than in other places; for what reason was best known to the lord mayor and others in the metropolis. At Canterbury the quartern loaf was at 10d., in London it was 11½d.; but he begged not to be understood as saying that the speech attributed to the lord mayor of London was actually made by him; he only wished to state his decided condemnation of such observations as were calculated to mislead that part of the people who were least capable of forming a correct judgment on the subject, and who were governed on such occasions merely by their passions and feelings.

Earl Stanhope said, that the noble marquis who presented the petition having

done so from the opposition side of the House, whereas he usually sat on the ministerial side, he was induced therefore to hope that the noble marquis was hardly serious in his support of the object of the petitioners. The noble earl who had just sat down had said, that he could not believe that the observations attributed in the daily prints to the chief magistrate of London, were really the observations of the lord mayor. Now, he should have imagined that if the noble earl had any doubt upon that subject, the most regular way would have been to have sent the lord mayor a copy of the newspaper where the speech was given, and to have asked his lordship whether these were his observations. The noble earl said, he was not at the meeting where the lord mayor was stated to have made use of the observations in question, and therefore he could not of his own knowledge say whether they had been made by his lordship or not: but this at least he would undertake to say, that they were the observations of a sensible man. It was becoming and necessary to speak strongly against a measure, the effect of which, whatever might be the intention, must be, to a certain extent, to starve the poor, whom the noble earl had called the rabble; but it ought to be considered, that these people were in a great measure composed of the labouring class. They must all be aware of the denunciations of the prophet Isaiah, and others, against those who "grind the faces of the poor;" and the proposed measure, taken along with the stupid regulations now in progress on the subject of taxation, would, in his opinion, have that effect. The burthen of the intended taxes would fall heavily on the poorer classes, instead of their having that relief afforded them which he had proposed on a former occasion. Those who kept carters, porters, shopmen, &c. were to pay 3*l.* for such servants, without whom their business could not be carried on. Was this a wise regulation, or was it not the most stupid and delusive that ever was heard of? The classes ought to be relieved in the mode which he had suggested in a resolution now on their lordships journals, and not by such regulations as those which were now in progress in the other House of Parliament.

The Earl of *Lauderdale* said, that when the noble earl who spoke last talked of starving the people, and grinding the faces of the poor, it was impossible for him to

suffer such expressions to go forth to the public, without stating his most decided conviction, that such views of the subject were most unfounded, erroneous, and dangerous. The noble earl himself surely could not believe that there was a single individual in this or in the other House of Parliament who wished to grind the faces of the poor. For his own part, he was a most decided and strenuous supporter of the regulations with respect to grain now in progress in the other House of Parliament: but he was so, not merely with a view to the interests of the land-owner, but because he was convinced that the plan would be most beneficial to the labouring agricultural classes, the most valuable part of the superior orders of the community, and likewise to the people of the country at large. He was convinced, that all would feel the advantages of this regulation in the steady and moderate price of corn. Having said thus much, he did not feel himself called upon to go more at length into the subject at present. It would soon come before their lordships in a regular and formal shape, and then would be the proper time fully to explain his ideas on this most important question: but he repeated that it was not the object of any one to raise the price of grain on the poor; and whenever such charges were made, they could only have the effect of inflaming the passions of the people, misleading their judgments, and producing riot and disturbance.

The Earl of *Liverpool* said, that his opinion coincided so much with that of the noble earl who had just spoken, that he should not have thought it necessary to say a word at this time, had he not been desirous of making a single observation as to the assertions respecting the intended new regulations on the subject of taxation. It was not his intention to enter at large upon that subject at present. The time would soon come when their lordships would have an opportunity of examining those regulations, and of delivering their sentiments respecting them in detail. In the mean time, he should only say, that it was impossible for any government,—not speaking particularly of those with whom he was more immediately connected,—but for any government not to be anxious to relieve the people from their burthens, as far as circumstances would permit. The regulations in question had been cautiously framed, so as to press as lightly as possible on the poorer

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agricultural classes, and on the poor in general, as he should be prepared to shew when the proper period arrived. The effect of the regulations would be to relieve the people to the extent of nine millions: how, therefore, could any man seriously contend that there was an inclination not to relieve the people as much as the circumstances would allow? It was impossible, he repeated, for any government to have for its object to extend those burthens further than was absolutely necessary.

Earl *Stanhope* declared, he had never said that it was the object of any man in parliament to grind the faces of the poor. He had only said that such would be the effect of the proposed regulations on the subject of grain. As to the new tax regulations, he still contended that the effect of them would be to bear heavily on the poorer agricultural classes. For example, the tax with respect to carters—were there no carts employed in agricultural labour? These taxes must, as he contended, bear heavily on the poorer classes. This would be the effect likewise of the proposed regulations with respect to grain, though he never had said that such was the object and intention of those who supported the regulations in question.

The Earl of *Darnley* said, that in speaking of the rabble of Maidstone, he had merely used it as an expression to denote those who were incapable of forming a correct judgment on the subject of these corn regulations; while it was of all others a subject on which their feelings and passions were most alive, and with respect to which they were most liable to be misled. As to the observations respecting the chief magistrate of London, he thought he had sufficiently guarded himself by saying, that he did not mean to state that the sentiments ascribed to that chief magistrate had really been uttered by him. But this, however, he would say, that such remarks, by whomsoever made, must have the effect of misleading those who were least capable of coming to a sound conclusion on the subject in question; and that if riots and disturbances took place, the consequence must, in some measure, be attributed to that sort of inflammatory language. He, himself, had been unable even to obtain a hearing at the Maidstone meeting; and this was an instance of how little the uninformed part of the community were disposed to exercise their judgments on the subject.

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Earl *Stanhope* said, he had not attended the Maidstone meeting, nor had he desired any of his tenants to attend: but if he had been there, he would have begged and prayed the meeting, on his knees, to hear the noble earl, because he was satisfied that nothing would have been said by that noble earl which could have convinced them.

The Petition was then ordered to lie on the table.

## HOUSE OF COMMONS.

*Thursday, March 2.*

ALIENS.] Mr. *Addington* rose to call the attention of the House, for one moment, to a statement, which though it did not affect himself, materially affected the credit of the office to which he belonged. It would be recollected, that the hon. member for Bedford had, on the preceding evening, adverted to a case, which, he said, came within his own knowledge.—[“No,” said Mr. *Whitbread*.] If, then, it did not come within his own knowledge, he ought to have taken care to inform himself fully on the subject, before he had alluded to it. The circumstance on which he touched, related to the conduct of the Secretary of State for the Home department, and the hon. gentleman had put a pointed question to him, with reference to it. The case adverted to by the hon. gentleman was that of M. *Correa*, a Portuguese, who was said to have been sent out of this country, and, as he had expressed it, ‘shipped to the Brazils,’—[“No,” from Mr. *Whitbread*,] because the Portuguese ambassador here, the Chevalier de Souza, would not sign his licence. He confessed, at the moment the statement was made, his opinion was that no such thing had ever occurred. He then observed, that he had never heard of such a transaction, and that the name of the individual was quite new to him; but that it might have occurred during a temporary absence from his office. This day, however, he made inquiries on the subject: he had asked his noble relation (viscount Sidmouth) whether he recollected any thing of the affair, and was answered, that no such case had ever occurred while he was in the department, and that he knew nothing about it. He then searched the books of the department, from the period his noble relation became connected with it, and the result was, that no such case was to be found, no

such name was mentioned, as that to which the hon. member had drawn his attention. The hon. member also desired to know whether any rule existed, in the office of the Home department, for preventing Portuguese subjects (for he seemed to confine himself to them) from remaining in this country, unless they had a passport signed by the Portuguese minister at this court. He now could inform the hon. gentleman, that no such rule ever did exist.

Mr. *Whitbread* said, he had not made the statement alluded to, as one that he could vouch for from his own knowledge. He then held in his hand, the representation which induced him to notice the subject; and, at the time he referred to it, he expressed his hope, that the right hon. gentleman would be able to give it a full contradiction. In adverting to it he might have made a mistake in the date, and he was sorry the right hon. gentleman had not examined the books a little farther back than he had deemed it necessary to go. He had not made any charge against the relation of the right hon. gentleman; but he had reprobated the way in which the Alien Act had been executed, and had specifically stated, that the noble lord was not in the office during the whole time that the Act had been in force. The rule, he understood, formerly was, that no Portuguese subject should be allowed to remain in Great Britain, without a licence from the Portuguese ambassador; and the circumstances of the case, as represented to him, were these:—The Chevalier *Anselmo Correa*, formerly chargé-d'affaires to the court of Stockholm, came to this country, but having made himself obnoxious to the Chevalier de Souza, the latter refused to sign a licence for him, and he was sent out of this country, with a messenger from Mr. *Ryder*'s office, in the most summary way. He (Mr. *Whitbread*) did not assert that he was shipped from hence to the Brazils. From this country he was sent to Lisbon, and, of his own accord, he afterwards proceeded to the Brazils. He there laid his case at the foot of the throne, and received a pension, and various honorary rewards. This statement was not now disproved, and he hoped the right hon. gentleman would push his inquiries a little further, and state whether he could find any trace of it.

Mr. *Addington* said, he understood the circumstance to have been noticed, as if it had happened while the present Secretary

of State for the Home department was in office. If it were otherwise, why should the question be put to him? How could he be expected to answer a question, of which he could not be supposed to know any thing? Under these circumstances, he thought, in common, he believed, with every gentleman in the House, that the charge which was made referred to the conduct of his noble relation.

Mr. *Whitbread* said, he hoped, as the right hon. gentleman was now set right on the subject, he would make a more extended inquiry. With respect to the ignorance of the right hon. gentleman on the case alluded to, he (Mr. *Whitbread*) conceived that he paid him a compliment in asking for an explanation of what had occurred before he belonged to the Home department; because he supposed that he was perfectly acquainted with the antecedent proceedings of his office, and could at once call to his mind the circumstance he had stated.

PETITIONS AGAINST THE CORN BILL.] Sir *James Stew* presented a Petition from the ward of Cripplegate, praying that no alteration should be made in the existing laws respecting corn, until a sufficient time had elapsed to enable the House to judge of the effect which peace would have on the commercial, trading, and agricultural interests of the country. The hon. baronet said, he was instructed to state, that the inhabitants of this ward were duly summoned to consider this question. The meeting took place in the parish-church, and was attended by a greater number of inhabitants than was ever known to have been assembled there on any occasion in the memory of man. The meeting was conducted in the most regular manner, and the unanimous sense of the people was expressed against any interference with the Corn Laws. No previous attempt was made to procure the signature of names; but the moment the petition was left for signatories, persons from every part of the ward affixed their names to it. There was no distinction of party, of religion, or of profession, attended to. All the inhabitants of the ward united in praying the House to abstain from making the proposed alterations.

The petition was ordered to lie on the table.

Mr. *Protheroe* stated, that he held in his hand a Petition signed by 40,000 inhabi-

tants of the city of Bristol, praying that no alteration should take place in the Corn Laws, on account of its ruinous tendency to the rest of the community. Notwithstanding the number of names affixed to this petition, many had been left behind, owing to the eagerness of the city to have it laid before Parliament. They thought they had no time to lose in expressing their sentiments to the House. He had assured them, that the legislature would not allow a measure of this importance to pass without the necessary delays for deep investigation. But he was sorry to say, he had been disappointed in his expectations, and the assurances which he had given had proved unfounded. The gentlemen who had gained so much credit for the moderation with which the measure had been introduced, had departed from their course, and hurried the discussion in a manner and with a tone of which he did not approve. Respecting what was said of discouraging popular clamour, he thought, except in extreme cases, language of this sort rather unbecoming a representative of the people. He knew there were several gentlemen in that House, who were friendly to the expression of public feeling on questions of peace and war, and a variety of others, equally important; and yet those very persons would not permit the people to deliver their sentiments on this subject, which mainly affected them, without stigmatizing the expression of their opinion as mere clamour. He liked to hear the opinions and sentiments of the people on all subjects. He was pleased to see them vent their clamours in petitions to that House—either that the cause of their discontent might be removed, or that the impropriety of their complaints might be pointed out. On the subject of the price of bread, above all others, their sentiments, he conceived, ought to be attended to. No man representing a great city, as he did, could be ignorant of the general wants and necessities of the poor—and those wants and necessities must be evidently increased by any measure which tended to enhance the price of bread. The feelings of the people were, therefore, perfectly natural, and he could say with great confidence, that their sentiments were now precisely the same as those they manifested last year. The people of Bristol, in the petition he then had the honour to present, shewed that their ideas on the subject remained unchanged; and, he was sure, if time were

allowed by the House, the voice of the entire population of the country would corroborate his assertion.

Mr. *Davis* stated, that he had received a letter from the mayor of Bristol, relative to the petition then before the House. The mayor informed him, that it was not only most numerous but most respectably signed, and that it spoke the undivided sense of the people of that city. He was sure that those who brought forward, and those who supported the measure, had but one object in view, the benefit of the community in general. He believed the interest of no particular party was attempted to be served by this measure, but that the representatives of the country consulted the interests of their constituents as much as their own. For his own part, he was inclined to favour the measure; and, in voting against it, as he had hitherto done, he spoke rather the sentiments of his constituents than his own; and this, perhaps, was the only question on which he would consent to sacrifice his opinion to the sentiments of others.

The petition was laid on the table.

EAST INDIES.] Mr. *Whitshed Keene* wished to call the attention of the House to certain proceedings, of the highest importance, that had recently taken place in India. It appeared, from a late Calcutta Gazette, that an officer of rank was tried by a court-martial, for having extorted money from the natives, for his own purposes; and, in his defence, he admitted the fact, but stated that it was a customary proceeding. The court-martial, however, in opposition to the evidence, and to the petition of the accuser, acquitted him. The circumstance afterwards came under the cognizance of the court of directors; who expressed their unequivocal displeasure at his conduct, and observed, that, but for certain circumstances, they would have caused his name to be erased from the list of the Indian army. They also declared, that if any case of a similar kind occurred in future, it would be so dealt with, and if the court-martial did not inflict an adequate punishment, they would cause the delinquent to be suspended, and sent to Europe, by the first opportunity. The hon. member then pointed out the necessity which existed for giving due protection to the natives of India, and was proceeding to animadvert, with severity, on the conduct of those who, in the person of

the officer alluded to, tolerated a dangerous abuse of authority, when he was called to order by

The *Speaker*, who said, that the hon. member's proper course would be, to give notice of a motion on the subject, as the House could not be converted into a place for mere general conversation.

Mr. *Wallace* stated that the subject to which the hon. gentleman referred, had been very seriously examined. Every means had been adopted to prevent the natives from suffering any oppression; and he was sure the result of the steps which had been taken, would be found perfectly satisfactory.

WINDOW TAX.] Lord *Milton* stated, that he was desired by a considerable number of his constituents, to ask of the Chancellor of the Exchequer a question, relative to the proposed extent of the new Window Duty. This question embraced two points. One of them referred to the manufacturing counties—those, he meant, where cotton factories were erected, and which required a greater number of windows than was necessary for the mere purpose of lighting the building. The other related to those large buildings, called cloth-halls, which were so numerous in the West Riding of Yorkshire. The windows of these establishments were not formerly chargeable, and his lordship wished to know, whether the right hon. gentleman meant now to extend the new duty to them and to the factories.

The *Chancellor of the Exchequer* said, that with respect to the charge on the windows of factories, it was his intention, when the consideration of Resolutions was resumed, to propose a modification of the tax, by which the charge on those buildings would be diminished. As to the buildings which were made use of as cloth-markets, and which were termed cloth-halls, he had never heretofore taken them into his consideration. It was a subject worthy of inquiry; but he did not know on what principle they could be excluded from the operation of the tax. As, however, they came under circumstances of a more peculiar nature than other buildings, it would be proper to look into the subject, before any decision took place.

Lord *Lascelles* said, that the buildings termed cloth-halls, which were to be met with in Leeds, Halifax, and Huddersfield, were of very great extent. The manner

facturer exhibited his cloth in them for sale, paying a certain sum for a stand for that purpose. If he did not sell his goods on one market day, they remained in the hall until the next, and in no other way were those buildings used as warehouses. They were, in fact, rather markets than warehouses.

The *Chancellor of the Exchequer* said, it was probable, from the tenure by which they were held, and the profits arising from them, that the proprietors would be enabled to pay the tax. He should, however, be happy to receive any information on the subject.

MOTION FOR A COMMITTEE ON THE STATE OF THE BANK OF ENGLAND.] Lord *Archibald Hamilton* apologised to the House for undertaking a task which many other members would have been more able to perform. He was aware of the importance of the subject. There was scarcely a question of any public interest which, in some way or other, did not involve the present. He thought the *Chancellor of the Exchequer* appeared to undervalue its importance in the Bill which he had proposed to the House. He did not mean to move for the resumption of cash payments on the part of the Bank, but for an inquiry, whether the Bank was or was not in a situation to renew such payment—whether or not it was desirous of taking measures to resume them? The noble lord then took a view of the increase of the issues of paper-money from the Bank, which, from ten millions originally, had amounted to 31 millions in the present year. Probably, in consequence of those paper payments it was, that there was now no just standard of value. He feared this evil was likely to continue. All bodies corporate wished to promote their own interests. He would not advert to what had passed, but it was in evidence before the House, that the Bank did not think it would be a serious evil for the country that the restrictions should be made permanent. If these opinions still prevailed, it was certainly high time for Parliament to take the subject into its consideration. He did not doubt the solvency of the Bank, but this was no argument in the present case. The connexion existing between the Government and the Bank (even before the existence of the restrictions) had always been an object of jealousy to the House. According to the Bill now in progress, a loan of

three millions, free of interest, was to be continued by the Bank to Government; and, before such Bill passed, it would be proper to inquire whether this loan, considered as the price of the restriction, was an adequate compensation. He thought it his duty to state to the House the view which he had taken of this part of the subject. The capital of the Bank was 11,500,000*l.*; and prior to the restrictions, the dividend on this capital was seven per cent. In the year 1797, and the succeeding ones, after the restrictions had been imposed, immense bonuses were distributed to the proprietors of the Bank. The total amount of these bonuses formed a dividend of 56 per cent. on their capital, and in money upwards of seven millions. He did not regret that the proprietors of the Bank should have such enormous profits, but that those profits should be obtained at the expense of the public. He was so strongly impressed with the importance of the subject, that he had made a motion two years ago to limit the profits of the Bank. Another object of the committee should be to inquire how far the Bank ought to be liable, and at what or any expense to re-instate the usual currency of the country. It had often been said that the paper of the Bank had not a forced circulation through the country. This might be the case previous to the restrictions; but since Bank notes had been made a legal tender, there was no choice between receiving them or taking nothing. When annuitants claimed their dividends, they must either accept the paper offered them or not receive their annuities. This would form a fair subject of inquiry, for he was totally ignorant of the views of the Bank on this point, the *Chancellor of the Exchequer* having proposed the Bill without entering into any explanation of his intentions. By the papers already produced, the House were acquainted, not only with the amount, but with the impure value of the Bank tokens. It would be necessary to state whether the Bank were not pledged to replace them by sterling value. He wished to know whether they considered themselves bound, at any expense, to restore the proper currency. There was nothing now in circulation but those tokens, which were worth three shillings less in the pound than sterling value. He thought the committee, if appointed, would be of opinion that the Bank were bound to restore the sterling value at any ex-



pense. It was an evil which would not stop of itself, or even remain where it now was. In the important discussions which had lately taken place on an article of the first necessity, he had scarcely heard any one who did not connect its price with the value of the currency. Were the latter in the state it ought to be, he had seen it stated in a recent publication on the subject, by Mr. Malthus, that the price of corn would be reduced to 60s. per quarter. He wished that persons connected with the Bank should state to the House at what price they would attempt to restore the currency of the country. The noble lord then alluded to the price of gold, which from 3*l.* 17*s.* per ounce, had risen to 4*l.* 9*s.* As long as the Bank were relieved from making payments in cash, and as long as they had the power of fixing the price at which they would purchase bullion, they might produce most incalculable mischief to the country. Having the control of the currency in their hands, by issuing paper at a time when gold was low, they might raise the value of it above the price at which they purchase it. The power of fixing the price at which they should purchase gold, might in this way be a power of continuing the restrictions indefinitely. He wished to advert to another point, the effect upon our finances. By the last accounts before the House, the charge to the country on Exchequer bills was no less than two millions. This subject was of the utmost consequence as it respected the finances of the country. Last year the charge for Exchequer bills was upwards of two millions sterling. Before the Bank restriction took place, Exchequer bills were convertible into gold, and for that convenience it was fair that a charge should be made. But what was an Exchequer bill now convertible into?—A Bank note—one piece of paper for another; and yet for this the public were to pay 2,000,000*l.* annually! They were doomed to expend 2,000,000*l.* yearly—for what? Why, to effect a forced circulation of government paper! This was a state of things which it became the House to inquire into, and to remedy, if possible. He had now said more on the subject than he originally intended. He was quite aware how difficult any remedy must be. Some years ago he had made a proposition for setting aside the ulterior profits of the Bank, till they should make good the currency of the country. But

even this was a matter of great difficulty. He knew that Bank stock had been bought as high as 250, and that some had been bought even higher; and he was aware, therefore, that it was impossible to devise any remedy which would not be injurious to certain persons. He hoped he had said enough to justify his proposing that a committee should be appointed to inquire into the subject. The noble lord concluded with moving,

“That a committee be appointed to examine and state the total amount of outstanding demands upon the Bank of England, and of the funds for discharging the same; and also, to examine into and state their opinion upon the effect produced upon the currency and commercial relations of the United Kingdoms, by the different acts passed since the year 1797, for continuing the restriction on payments in cash by the Bank of England, and to report their opinion how far, and under what limitations, it may be expedient to continue the same.”

The *Chancellor of the Exchequer* said, that the proposition of the noble lord went into a variety of curious circumstances of political economy, which, if they could be followed up without injury to the public service, might be of great advantage. But, at the present time, he did not think they could be safely entered into. It would be a summary answer to the noble lord's motion to state, that he was about to submit to the House a proposition, which would confine the Bank restrictions to a definite period. It would be his object, after the present motion was disposed of, to state a limited period for the termination of the Bank restrictions, in the sanguine hope, under the circumstances he should state, that no farther extension, after the prescribed time had elapsed, would be necessary. He was sure, in the view his Majesty's government had taken, that, if they did not think it necessary, for reasons of state, to continue the measure, the Bank would be ready to proceed in that course which the exigencies of the country had occasioned them to abandon. If they did not, the circumstance would not rest with the Bank, but with the government of the country; and with them, indeed, it ought now to rest. It was not the Bank that originally wished to suspend the payment in cash; circumstances of a public nature obliged the government to call on them to adopt that measure. He had no objec-

tion, then, to state, that the period at which it was his intention that the Bank restrictions should cease, was the 5th of July, 1816. At the expiration of these sixteen months, he thought there was good ground to hope, that there would be no further occasion for renewing this measure. He had fixed the period for commencing cash payments, as near the close of the next session of parliament as possible, in order that the subject might come before the House in the fullest and most intelligible shape.

As the whole of the noble lord's arguments were founded on a supposition, that the Bank Restrictions would be continued to an indefinite period, he thought it hardly necessary to enter at length into a refutation of them; yet he should consider it an ill compliment to the noble lord, if he passed them over without close examination. The questions which the noble lord had suggested should be submitted to the committee, were—first, whether the Bank was in a condition to resume cash payments, and whether they were taking steps to prepare for that event; second, as to the connexion between the Bank and the Government; thirdly, as to the profits of the Bank; fourthly, as to the circulation of silver tokens; and, fifthly and lastly, as to the state of exchanges, and the price at which the Bank was purchasing gold for renewing their cash payments. He thought, even taking the noble lord's own view of the subject, that no measure could be more calculated to defeat the resumption of cash-payments, than the very inquiries which he wished to be made; for, if once the information which these inquiries would give were published, it would place the Bank at the mercy of every speculator in bullion in the country. With respect to the first question, whether the Bank was in a condition to resume its cash-payments, and the amount of bullion in hand? he could only say, that the investigation of these circumstances would be attended with the worst possible consequences. [Mr. Whitbread here said across the table, "Have a secret committee."]—Even if a secret committee were appointed, it would be extremely inconvenient to disclose these matters. When a committee of secrecy was appointed on a former occasion, their proceedings were made public; but in what manner, or by whom they had been so revealed, he knew not. It was sufficient to say that much inconvenience had resulted from the disclosure; and in a

question of such delicacy, any public discussion must be considered as extremely dangerous. In the examination of such a subject, it would of course become necessary to call before the committee the persons who were employed by the Bank in the purchase of bullion; and hence a risk would be run of exposing the private transactions of that body, and thereby placing them in the hands of the speculators, who were always on the alert in matters of that kind. The noble lord would recollect also, that besides the Bank, the Government were great purchasers of bullion for the public service; and they also would feel inconvenience from the inquiry contemplated, as the necessary consequence would be an enormous enhancement of the price of gold. He would submit these observations to the judgment of any gentleman of practical experience, and he was satisfied that his conclusions would be pronounced in every respect correct.

The second branch of the noble lord's proposed inquiry was, as to the advances made by the Bank to Government. It had been insinuated that these allowances were given, in the first instance, as an inducement to extend the restrictions; if so, the food for restriction was very limited, for the period of its final termination would very soon arrive. He could assure the noble lord, however, that these advances had in no respect trenched upon the capital of the Bank, nor would they at any period interfere with the resumption of cash-payments. The third subject of investigation which the noble lord proposed was, as to the profits of the Bank. If the noble lord was able to shew that the introduction of the restriction had added to the profits of the Bank, he should think this a fair subject of inquiry. He denied the fact; but whether they had or not must ever remain in doubt, as it was impossible to ascertain what would have been the event of things which had never existed. What the profits of the Bank would have been if those restrictions had not taken place, no one could tell. But, as he before stated, the restriction was a matter of state policy, and had no more to do with the profits of the Bank, than it had with the profits of any disinterested individual. The House would recollect, that at the time the Bank Restrictions were first proposed, the public securities were at a very low price; the 3 per cent. consols being down at 46 and 47 and all other securities

were depressed in the same degree. Those, therefore, who were in possession of large capitals, made enormous profits; and, as had been stated by an hon. and lamented member, whose abilities were known to all, while his death was universally deplored—(Mr. Henry Thornton)—at that time a profit of 18 per cent. was made on government securities. That being the case, it was obvious that the Bank, which was the greatest of all the dealers in public securities, must have made profits to an enormous extent, independent of any change in currency whatever. At that time, the Bank had divided a million in one *bonus*, but they were never able afterwards to make so large a *bonus*. From hence it was fairly to be deduced, that their profits were not wholly to be ascribed to the restriction.

The noble lord next wished it to be ascertained to what expense the Bank would be put in resuming their cash-payments? This was a question with which he apprehended a committee could have nothing to do, unless, indeed they were to consist of Jew-brokers. This he knew, if the committee once entered into an inquiry of the price of bullion, the consequence would be, that none would be found to buy, and an enormous advance would take place in its price; the greatest speculations would ensue, and nothing but knavery and fraud would be the result. [Lord A. Hamilton here said, he had no wish that the committee should inquire into these minute circumstances.] The Chancellor of the Exchequer said, if the noble lord wished to retract any part of his arguments, there certainly could be no objection to such a proceeding. The last head of inquiry to which the noble lord adverted, was the silver currency. His lordship had proposed to inquire, whether the Bank would be ready at a future period to replace their tokens with the regular silver currency of the country? He apprehended the Bank would at all times be ready to discharge their tokens with the standard coin of the country; but he did not imagine they were bound to confine themselves to silver coin alone, conceiving that payments in gold would answer every purpose. From these payments he was sure there was no wish to shrink. With respect to the silver currency itself, this was a question which must be referred to the period when payments in gold were resumed.

Having now answered the main heads

of the noble lord's arguments, and conceiving that those arguments were founded on the supposition that the cash-payments were to be postponed to an indefinite period, he trusted he had convinced him of the absence of all necessity for the committee for which he had moved. The principal evil which had been complained of, was the difficulty of fixing a standard value. This was a subject which had already been so much discussed, that he did not consider it necessary to enter upon it then. Whatever inconvenience was experienced on that score, however, would vanish in proportion as the value of bullion was diminished. The noble lord had alluded to the number of Bank notes which were in circulation, and to the increase which had taken place in their issue. In 1811, the circulation of notes amounted to 24 millions and a half, and at the present period, the circulation had reached 31 millions. The average, however, was about 28 millions and a half: but, notwithstanding this, it was gratifying to observe the improvement which had taken place in the exchanges with foreign countries; for in 1811, the exchange at Hamburgh was but 24, while from the recent accounts it appeared it had risen to 32.

He would now state the grounds upon which he conceived it more than probable that cash-payments would be resumed in July 1816. If the peace with America had been ratified at the same time with that at Paris—if the foreign expenses had been concluded—if the arrears which were due to foreign states had been paid—if the keeping up a large standing army on the continent had not been necessary—and if we had not had to transport a large army across the Atlantic, the short period which had elapsed since the conclusion of the peace, he was satisfied, would have so completely restored the affairs of the country to their original situation, that the Bank would, without delay, have been able to resume their cash-payments. Any gentleman who compared the progressive improvement of the rate of exchange since 1814, would at once be able to discover the truth of this proposition. In January, 1814, the exchange with Hamburgh was at 28; before October it was at 32. In January, 1814, the price of gold in doubloons, was 5*l.* 10*s.* per oz.; before the end of the year it had fallen to 4*l.* 9*s.* per oz. The price of silver in the same period had fallen from 6*s.* 11*d.*

per oz. to 5s. 6d. With these favourable prospects, he thought he should not be presuming too much in anticipating such a favourable change by July, 1816, as would ensure a return to the old currency of the country. He held an account in his hand which would shew the enormous expenditure of specie, which within the last few years had been made on the continent by this country. In 1811, the foreign payments were 15,182,000*l.*; in 1812, 18,533,000*l.*; in 1813, 22,931,000*l.* and in 1814, 31,284,000*l.* In the face of such an expenditure he thought it was not extraordinary that restrictions should be placed on the cash-payments of the Bank, but now that they might be considered as in a great measure stopped, if no new cause should occur to render their continuance necessary, it was but natural to suppose that these sums would revert to their old channel; and if this should be the case, there was no doubt that, by the period he had fixed, the Bank would resume its payments in specie.

Mr. *Frankland Lewis* contended, that the conclusions to which the bullion committee had come, had been fully verified by every circumstance which had since occurred. When the resolutions of that committee were submitted to the House, it was contended that the depreciation which was asserted to exist, arose only from temporary causes, and would be removed with the return of peace. At this moment the country was in a state of peace, and yet the same evils still existed. He contended, that the facts by no means bore out the Chancellor of the Exchequer in his assertion, that the foreign expenditure of the country was the cause of the disadvantages under which this country laboured with respect to the exchanges; there was only one or two shillings difference between the price of specie now and at the time the celebrated report of the bullion committee was made. When he heard of the immense foreign expenditure, he could not conceive how our keeping an army of 38,000 men in Belgium could materially affect the exchanges, in a year when it was stated that our exports were vastly greater than they had been in any former year. In the year 1795, when the duke of York was in Holland with a much larger army, that circumstance did not produce such an unfavourable effect on our exchanges. He had heard of the large exportation of gold in order to pay for foreign corn. He could not conceive why

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corn was necessarily to be paid for in gold more than any other article imported: but, at all events, the quantity of corn imported into this country last year, was not more than a third part of what had been imported in some former years. As long as the currency was in a sound state, he maintained that there would be no difference between the price of specie in circulation and in the market. It had been said that the rise in the value of bullion had taken place all over Europe; but this was not true, since in France there had never been any difference between the mint and the market price of gold. He agreed that the issues of the Bank, considering the unlimited powers they possessed, had been very moderate; and although inquiry was necessary, he looked with perfect confidence to the capability of the Bank at any time to resume its cash-payments. An inquiry was necessary, because he thought the explanations attempted by the other side of the House had failed. He reprobated temporary measures, like the present; and argued that the foreign exchanges were taken at a false par, and that consequently when they appeared against us they were in truth in our favour. It was now said that the Bank was to renew cash payments in July 1816; but would the Chancellor of the Exchequer take upon himself to assert that no new prohibitory Bill would be offered, for which no new excuse would be assigned? It might, perhaps, then be urged that the remittances to absentees on the continent were so extensive as to turn the exchange against us, and that consequently the time was not yet arrived when the Bank could pay in specie. It was plain that there was some radical error, which wanted correction, and it was fit that a committee should ascertain where it lay. A longer delay of such an inquiry could produce no good, and might be attended with very serious consequences.

Mr. *Rose* differed entirely from the hon. gentleman who had last spoken. He thought (although he admitted that he had not heard the speech of the noble lord who introduced the subject) that he had never heard a committee moved for on so slight grounds. It had been generally admitted that the Bank was no party to the act of the Government for restraining the cash payments. He knew that, in point of fact, they were not aware of the measure until two days before it took place. It had appeared, on the examination of the

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affairs of the Bank at that time, that their property amounted to 16 millions sterling, exclusive of the debt then due to them by government. When the great profits which the Bank had made since the Restriction Act were taken into consideration, there could be no doubt but that their solidity was at least as great now as it had been then. He believed that the price of bullion was now 4*l.* 9*s.* while the Mint price, or, as he might say, the Bank price was 3*l.* 17*s.* It was, therefore, perfectly clear and evident, that while there was such a difference, it would be quite useless for the Bank to issue gold. As fast as they could coin it, people who dealt in that article would melt it down, and none of it could continue in circulation. He really could not conceive what the gentlemen on the other side proposed to themselves. If they were asked, did they doubt the solvency of the Bank, they answered, No. They, however, said, that when the restriction was first imposed, the country was under peculiar circumstances. Did not the same circumstances exist now? and would not the reason of the restriction continue as long as the market price of gold was higher than the Mint price? The whole increase of the issue of Bank of England notes, since the Restriction Act was passed, was but about 12 millions. When it was considered that before that time, there were 44 millions of gold in circulation, it was really wonderful with how small an increase of issues the wants of the country had been supplied. As for gold being in abundance in France while there was a scarcity here, it must be recollected that it was not by the rate of exchanges, but by plunder and rapine that France had got her gold. When the French laid an enormous military contribution on a country, they were generally content to take half the sum, if it was paid in gold. In considering the out-goings of this country, besides what had been stated as its foreign expenditure, there were very large sums drawn out of it by our absentees, who were now amusing themselves on the continent. This sum was much larger than would generally be supposed. The importation of corn had been considerably more than two millions sterling. There was also a million of dollars sent monthly to Portugal, in payment of an old debt. Under all these circumstances, he was astonished that the exchanges were as favourable as they now were. He thought, that if it had not been

for the circumstances already stated, the exchanges must have been still more in our favour; but, at the same time, it appeared to him the most visionary thing in the world, for any man to suppose there was a possibility of resuming cash payments, until the market price of gold was as low as the Mint price.

Mr. Horner thought that the right hon. gentleman had even exceeded himself, in saying that there were very slight grounds for the present motion. He considered that if there had been no grounds at all stated by gentlemen of that side of the House, still there ought to be an inquiry such as was proposed. It was the ministers who brought forward a bill for continuing the restriction. It therefore rested with them to come down to the House, and state the reasons and the circumstances which made it necessary. The right hon. gentleman, however, who spoke last, had cut the matter very short. He said that circumstances were now the same as when the restriction was first imposed. The Chancellor of the Exchequer had, however, held forth a promise of a speedy resumption of cash payments. This promise was no more definite than former promises of the like nature; and although he did not question his sincerity, he could not avoid thinking him too sanguine. He must say that he could entertain no such hope. He had no doubt but when the period should arrive which had been mentioned by the Chancellor of the Exchequer, there would be found new ways of accounting for the exchanges not having risen up to his present expectations. He was of opinion, that time ought to be given to the Bank to prepare for resuming its cash payments; but he at the same time thought, that notice should be given to them to make this preparation. He thought that there could be no safety for public credit, until the Bank, at least, took some steps towards resuming their payments. The right hon. gentleman's expectation appeared to him neither founded on, nor warranted by experience. Other countries had tried the effects of a forced paper circulation in their difficulties, and had met only with ill success and great discredit, whilst others had carried on long and extensive wars without having recourse to such an expedient. Undoubtedly the evil resulting to France from her excessive issue of assignats, was greater in degree than ours; but then it differed only in degree, and not in kind. Since that period,

too, France had got a metallic currency; and the right hon. gentleman conceived that he had fully accounted for this, by attributing it to French conquest and French plunder. But the question was not how it came into France, but how it remained there. The internal laws and policy of a state maintained a money circulation, quite independently of the means by which it was procured. France, with armies running almost to every extremity of the world, had regained a metallic currency, much more abundant than she had ever had before, and much larger than was necessary to a thriving and prosperous community. He regarded it as a proof of real impoverishment, and of the absence of credit, in that country. If he had ever been supposed to entertain an opinion that a currency, exclusively metallic, was a desirable regulation, he had been much misunderstood. He wished to see as much paper as possible in circulation, and the more the better, provided it was at all times convertible into the standard currency of the realm. The right hon. gentleman had talked of Jew brokers in a way that he did not very well understand. Was it meant for the purpose of affixing a stigma on their religion? or was it meant that information which could be procured from them alone, ought not to be received by a parliamentary committee appointed to inquire into the subject? When sir Isaac Newton, as master of the Mint, drew up his celebrated report on the state of the different currencies of Europe—that report, which was now a sort of text authority on the principles of circulation—he presumed he was in a great measure founded on the information derived from persons of this description. One of the points that seemed to him most to call for examination, related to the manner in which the Bank had discharged that indispensable duty to the public, of keeping a sufficient treasure in their coffers to meet the future demands upon them, since the year 1797, or rather since 1795. This was a topic on which he knew some ingenious guesses had been made, but it was one on which accurate information was extremely desirable. The situation of a Bank director was one of arduous duties; duties which required for their discharge, not only as much integrity as was possessed by the present directors, but more enlarged views of the true principles of commerce and credit than was evinced by the directors of 1810. Another serious

object of inquiry was as to the extent of the profits made by the Bank since the period of the restriction. The right hon. gentleman had stated that these profits might have been as large if the restriction had not taken place, because the securities of government were so low, that any man might have made 15 per cent.; and the Bank being large holders, must have gained in that proportion. But the real profits arising from the restriction, could not be measured this way; they must be measured by the permanent excess of its issues since the removal of all legal limitation upon those issues. Our actual currency since the year 1797, had been nothing else than a forced government paper, the profits of which redounded not to government, but to the Bank. To put a case, Government issues 10 millions of Exchequer bills, on which the Bank accommodates them with an immediate advance of its notes, and receives from them an interest of 5 per cent. on the same. Now this advance would be very liberal on the part of the Bank, if these notes thus advanced to the aid of government were payable on demand in gold. As the case stood, however, the only expense incurred by the Bank, was the paper of which the notes were made, and the cost of the engraving. If 10 millions of one kind of paper were thus furnished in exchange for 10 millions of another kind, and interest upon this sum was paid to the Bank, what was this but a circuitous way of forcing the circulation of a government paper, the profits of which accrued to the Bank alone? Was this a subject on which the House ought to receive no information, except what the Chancellor of the Exchequer should think it right to communicate? The right hon. gentleman had referred to the bullion question, as one that had now become matter rather of fact than of opinion; and this observation, from views no doubt equally profound, had been repeated by the right hon. gentleman who spoke last. For his own part, he remained as firm as ever in his original conviction. He had not been inattentive to the subsequent course of events, and had perceived amongst them many new and curious illustrations of the currency and the commerce of Europe. Instead, however, of producing any alteration in the doctrines maintained on that side of the House, they had served to strengthen and confirm them in his mind in every respect. The great principle on

which he had always rested the question was, that so long as the standard currency of a country remained unvaried, however that standard might be expressed, no change in its real value could affect its relative value to other commodities. Whenever depreciation had once begun, then it was possible for commercial or other circumstances to affect the value of gold; but he had never supposed that when gold was at 5*l.* 11*s.* or, as it had once been, at 5*l.* 14*s.*, that this rise was solely attributable to an excess of paper circulation, or that the apparent depreciation was the true measure of the excess in the issues of the Bank. What he conceived to be the true solution of the difficulty was, that a depreciation having taken place from excess, an opening had been made for the operation of other causes, which were now in a great measure removed. These causes were the occupation of commercial countries by immense armies, the consequent distress and discredit, together with the greatly augmented remittances made from one part of Europe to another. The effect produced by the change of circumstances was to bring back the price of gold to between 4*l.* 9*s.* and 4*l.* 11*s.*; precisely what it was in 1810. The exchanges now, though really in our favour, were nominally against us 8 or 9 per cent.; and here he begged to ask, could this appearance be explained, but in a depreciation in the value of our domestic currency? The extraordinary circumstance adverted to, of the price of gold falling in the course of last year to 4*l.* 4*s.* he ascribed to the then situation of the armies in the North, by which great quantities of bullion were driven in the direction of this country. It happened, too, at the same time, that many of the country banks failed, a circumstance which necessarily operated to induce the Bank to diminish their issues. This was a measure that raised the real value of their paper in the same proportion. He believed, also, that there had been a rise in the real price of gold,—he meant as measured by other commodities in some of the countries of Europe. This he partly attributed to the effects of war destroying the settled habits of commercial credit, and partly to an interruption in the working of the mines produced by the disturbances of South America. He had reason to believe that, from Mexico the supplies were much less abundant than usual. His conclusion was, upon the whole review of this question, that our

currency was in an artificial and depreciated state; a state, the evils of which were too manifest to be denied, and were equally injurious to the public creditor, by diminishing the value of his dividend, and to the private creditor the value of his legal claim. Its effects on public credit, and on our financial situation, would lead him into too wide a field of discussion; but it appeared to him to be incontrovertible, that this evil, excited in consequence of an excessive issue of Bank paper, is, that the government were not duly vigilant over those issues, and that the renewal of the restriction should not be granted without a declaration that the parliament and the country expected that immediate measures would be taken by the Bank to resume their cash payments.

Mr. *Marryatt* concurred with a right hon. gentleman that the restriction ought to be looked on as the act of the legislature alone. It was the effect, however, and not the object of the restriction that was now under consideration; and he contended, that the Bank ought no longer to be allowed the possession of such enormous profits, without a participation on the part of the public. The circulation of the Bank previous to the restriction was between 11 and 13 millions; in the year of the restriction it was about eight, and it was now 31 millions. Taking the subsequent increase of their issues at 18 millions, here was in the interest upon that sum, a clear additional annual profit of 900,000*l.* To this were to be added, the different bonuses they had distributed, and an increase of 11 per cent. on their dividends from other causes. The public interest did not require that the Bank should receive interest upon exchequer bills, nor commercial credit require that the discounts of the Bank should have been increased seven-fold since they ceased to pay in specie. Before the year 1797, it was a regulation of the Bank not to open any discount account with the London bankers. Since that period, this rule had been abandoned, and the consequence was, that most of the London bankers being the correspondents of bankers in the country, the paper of the latter became convertible at all times into paper of the bank of England. Country bankers had, accordingly, sprung up like mushrooms, and, as too many knew to their cost, had been as ephemeral in their duration. The operation of this unfortunate system had been to create a rage for mer-

cantile speculation, and to raise the price of all commodities in this country. A right hon. gentleman, whom he was glad now to see on the Treasury-bench (Mr. Huskisson), had calculated the rise of prices to be 15 per cent., and had stated it to have been, at the time of this calculation, still increasing. This, then, was a heavier tax than that upon property. The latter produced 14 millions; the former cost the country 20 millions, and he feared was likely to do so to the end of time. We appeared to him to be in a constant state of vacillation between the buoyancy of our exports, and the depression of our domestic currency. If a person were to go to Paris, and carry with him, as he probably would, a few light guineas, he might procure for each 26 livres 2 sous, which would be an exchange in his favour. Let him buy a bill with his Bank notes, and he would get but 22 livres for his pound, an exchange considerably against him. Such was the difference between London and Paris in the real and the nominal exchange, or between French and English gold on the one hand, and French gold and English paper on the other. The hon. member lamented the minister's dependence upon the Bank; which dependence could not be denied, for according to the words of the wisest man, "the borrower is always the slave of the lender." This dependence he also deprecated the more, because he conceived it seriously prejudicial to the public service. He would vote for the appointment of the committee, in order to ascertain the conditions upon which the Bank directors were willing to resume their payments in cash, as well as upon what grounds the present measure was thought necessary. An explanation of these points was required to satisfy the public.

Mr. Tierney began by observing, that a sort of understanding appeared to prevail between the Chancellor of the Exchequer and his right hon. friend near him (Mr. Huskisson), that the one should not say a word about the state of our currency, and that the other should not touch upon the sinking fund. Upon that understanding, however, he should not dwell, but advert to the question before the House. His motive for supporting an inquiry was, he declared, with a view to ascertain the state of things in which it was contemplated that the Bank was likely to resume payments in cash, or the grounds upon which the Chancellor of the Exchequer calcu-

lated that such resumption would take place at the period mentioned in the Bill before the House. If the Bank were likely to resume its cash payments, even at the period alluded to, namely, in July 1816, he was ready to state that he, for one, should rest satisfied. But he could not entertain such a hope: he felt convinced, that he should never live to see that event; on the contrary, he fully believed, that as long as the Chancellor of the Exchequer and the Bank could contrive to agree, the restriction was likely to continue. The House, then, he thought, was bound to inquire into the subject, in order to ascertain how the affairs of the Bank stood, and when the public could look for the gratification of their wishes, in the restoration of a sound currency for the payment of their just claims. The Bank (directors always stated, that they were desirous to resume their cash payments—that they were anxious, truly, for the removal of the restriction; but yet he must say, that he never saw a body of men so patient under restriction as those hon. gentlemen appeared to be, [a laugh!]; for they uniformly opposed every proposition of inquiry, and every measure taken in order to remove that restriction. Such opposition, then, seemed to cast some suspicion upon the sincerity of these gentlemen. The right hon. gentleman reviewed the history of the Bank since the commencement of the restriction in 1797, and thence concluded that the Bank directors were not willing to resume cash payments, because the restriction was found more conducive to their interests. But from the present system of our finances, and the connexion between the Bank and the Treasury, he thought it impossible for the Bank to make its cash payments for a very considerable period, especially after the declaration of the Chancellor of the Exchequer, that it would require four years to wind up our expenses; for the advances of the Bank to Government in the purchase of Exchequer-bills, &c. with the usual *leger-de-main*, would be demanded, at least for that period. Of the details of these transactions the House had received an ample and able detail from an hon. gentleman (Mr. F. Lewis); and from these details it was evident, that to all intents and purposes, the Bank had become the master of the minister. This assertion he defied any man to deny; and it imperiously called for the interposition of parliament, because such a state of things was incon-



sistent with the public interest, and furnished the strongest reason for restoring our currency to its natural state. Of this he was the more persuaded, because he had no doubt that the facility with which the minister could obtain advances from the Bank, served to encourage a much greater degree of expense than would otherwise take place. Indeed, if it were not for such advances, he was convinced that the minister would be obliged to resort to that House with such a frightful picture of our finances as the country had never witnessed, and such as he believed very few imagined to exist. But such advances would not have been made, if they were not attended with profit to the lenders; and he apprehended that the worthy directors would, upon inquiry, be found to derive a degree of profit from these transactions that was materially injurious to the public service. He was therefore anxious for inquiry, in the hope of preventing the continuance of such an evil, and also with a view to ascertain the state of the Bank, which had never yet been made known; for it was notorious, that upon the inquiry which took place seventeen years ago, the proportion of cash possessed by the Bank, compared to the notes it had in circulation, was never ascertained. The grounds upon which the restriction was enacted were well known; but the point which he had stated was totally unknown, not only at the time that the restriction was enacted, but even at this day. The House had, in fact, no notion of the circumstances under which that great public, and universally admitted evil, the restriction, would be removed. In 1811 it was proposed to remove the restriction in two years, but that proposition was negatived. It was not, however, too much to expect that the Bank should transact business as it would have done had no restriction taken place; but even this reasonable requisition was resisted, especially by the Bank directors, who truly professed so much desire to be relieved from the restriction. It appeared to him the paramount duty of the House to ask the reason of such conduct, and to institute an inquiry, with a view to regulate the future conduct of the Bank, if it were not found expedient to remove the restriction. He had said, that the Bank was the master of the minister, and its partialities were notorious; for although the directors refused to lord Henry Petty an advance of three millions without interest, they readily

complied with a similar request from his successor, thus evincing their disposition towards a certain set of ministers. But the fact was, that these directors were become so powerful under the existing system, that they were enabled to overturn any ministers whom the Regent might appoint, and towards whom they felt hostility. The existence of such an extraordinary power he conceived dangerous to the constitution, and therefore he deprecated its existence. The right hon. gentleman concluded with forcibly exhorting the House to appoint a committee, in order to consider the means of putting an end to such an unnatural state of things.

Mr. *Huskisson* declared his adherence to the opinions which he had expressed on a former occasion, with regard to the theory of money, and the depreciation of our currency: but as to the practical question before the House, it appeared to be simply this, Whether the restriction should be continued for fifteen months? which he could not by any means deem an unreasonable proposition. It would be recollected, that in 1811 it was not thought practicable to put an end to the restriction within less than two years, and he could not therefore consider the present measure as improper, especially after a fair view of the state of the country, and after the declaration which the House had heard from his right hon. friend, the Chancellor of the Exchequer. When a responsible minister of the Crown stated his sanguine expectation, that within the period mentioned in the Bill it would not be inconvenient for the Bank to resume its cash payments, he could not help thinking that statement entitled to attention, and that it served to render the proposed committee unnecessary. Indeed, he should oppose such a committee, because he thought its appointment would serve to impede the object for which that statement encouraged us to hope. For himself, he declared, that bearing this statement in mind, and considering the improved prospects of the country, with the reduced price of bullion, he could not see why the restoration of our natural currency should not be looked for as an event likely to take place, much sooner than the right hon. gentleman who spoke last professed to contemplate. With regard to a vote which he had formerly given, in 1811, for the resumption of cash payments in two years, he would not disguise the satisfaction he now felt, that that

vote was over-ruled by the House; because if it had not, it would have been impossible for this country to have made these great efforts which had happily produced such glorious results. Nor was there any inconsistency between his past and present conduct; for no human foresight could, by any possibility, have anticipated those results. Had the struggle been of longer continuance, greater and more serious difficulties must have followed, from protracting the restriction to an indefinite period, than he was willing to state. With regard to what had fallen from the right hon. gentleman who spoke last, in his attack upon the Bank, for acting in its dealings with Government from motives of partiality and preference, he considered him to have totally failed in making out his case. It had been argued by another hon. member, that upon any future war, they were to expect a renewal of the restrictions; but he, for one, should deprecate any such measure; for, in his opinion, nothing but such a war, and such a singular concurrence of circumstances as produced the restriction of 1797, could warrant the Bank in applying for, or the Government in consenting to, a renewal of that restriction. There was no safety for the public credit of the country, but in the resumption and continuance of cash payments. With regard to the motion for an inquiry, as no benefit could result from it, he should certainly oppose it.

Mr. *Baring*, in rising to deliver his opinion upon the question, was anxious to guard himself from being considered as delivering the collective opinion of those who were in the direction of the Bank. What he had to offer would certainly be his own individual opinion, because he had not sat in the court of directors for the last twelve months; and if he had, it was not likely that he, or any other person, would be deputed to convey their collective sentiments. He was anxious, however, to defend the Bank from some charges which had been made against it; and first, as to the charge of partiality in its transactions with Government. The Bank certainly had, under peculiar circumstances, declined advancing the loan to lord Henry Petty, which, under other circumstances, they had advanced to his successor; but in so doing it had acted upon the principle of a fair defence of its own interests, and from no motives of political partiality. Neither was it the fact,

as had been stated, that the Bank was anxious to enlarge its discounts, and invited bankers to become discounters. On the contrary, the general practice of the Bank, instead of inviting, was to ward off too much facility in discounting. Then, as to the general charge, that the Bank looked exclusively to its own interests:—It was certainly the duty of the directors to watch over the interests of the proprietors; but he, for one, and he believed he could say as much for his brethren in the direction, would never act with a total disregard of the public interests, as necessarily affected by the state of the currency. In fact, those who conducted the affairs of the Bank would essentially injure their own interests if they acted otherwise. The right hon. gentleman who spoke last had expressed his confidence, that his right hon. friend the Chancellor of the Exchequer, in fixing a definite period when the cash payments would be resumed, had determined upon that period from some communication with the governor or directors of the Bank. He (Mr. *Baring*) certainly could not know what communication might have passed between the Chancellor of the Exchequer and the Bank; but he was quite sure there was no information which a director, merely as a director, could give, which might not be obtained from many other individuals. If he, for example, were asked by the right hon. gentleman, at what period it was probable cash payments might be resumed, he should certainly, like a Quaker, answer the question by another question, and inquire in return what foreign payments the right hon. gentleman had yet to make, or engagements to fulfil? Upon the matter itself, he much doubted whether the right hon. gentleman had any authority from the Bank in what he had stated, [Hear, hear!] though certainly he was not aware that he had not. A right hon. friend of his (Mr. *Tierney*) had expressed a wish to hear the opinions of some of the Bank directors; and he assuredly had no objection to state his own, guarding himself as before, that in what he said he delivered only his own opinion. He firmly believed, that there was no more chance of resuming the cash payments in July twelvemonth, than there was of resuming them to-morrow. [Hear, hear!] He would briefly state the grounds of that opinion. The Chancellor of the Exchequer had argued, from the vast

foreign expenditure which this country had sustained, that there was a great capacity for it, which when that expenditure ceased, would be applicable to the resumption of cash payments. The theory was certainly plausible; but the right hon. gentleman seemed to forget, that when the country possessed that capacity, it also possessed the monopoly of nearly all the trade of the world; whereas now every country was carrying on its own trade. It always appeared to him, that the great effort for restoring the currency should be made immediately after peace, when our warehouses were full and the continent quite bare of merchandize. His great doubt, however, of being able to restore a sound currency, arose from the artificial state in which we were, and the impossibility of going on without an artificial currency to meet that state. If the high prices and high taxes continued, those high prices and high taxes could never be paid in guineas, but must be paid in paper. The only evil of Bank notes, in his opinion, had been their gradual extension from year to year. At the time of the Restriction they were not more than eight millions, afterwards they got to eleven millions; and the general average now existing was between 25 and 27 millions. As long as there was any thing artificial in the country, there must be an artificial currency to compete with it. He was convinced that the right hon. gentleman would be unable to manage his affairs, from the moment the Bank drew in their issues, in order to make up these cash-payments: this would pull a string that would affect every country bank in the kingdom, by necessarily calling on them to take up their notes; and general stagnation and ruin would be the immediate consequence. He should vote against the motion, from the conviction that any inquiry of the nature proposed, would only still further impede the object that was desired, by leading to injurious exposure. Yet he would do every thing in his power to promote return to cash-payments; being convinced that there could be no permanent security for this country till its circulating medium was restored to its original state. He could assure the House, that it had ever been the wish of the Bank to do their duty to the country.

Mr. Ponsonby was sorry he did not see the hon. gentleman who presided over the concerns of the Bank, in his place at that moment, as he never looked with more

anxiety for any man's opinion upon a subject, than he did for his opinion on that now before the House, as he conceived that he must be better informed upon it than any other person. He wished to know how it had happened, that since our expenditure abroad had in a great degree ceased, gold, which, during the remission of money to the continent, had fallen to 4*l.* 5*s.* had risen to 4*l.* 9*s.* It was in vain to say, that the Bank directors did not make money by their advances and issues: it was not only their object, but their duty: they were the trustees of the corporation, and they must do all they could to increase the profits of the concern. It had been said, that to institute the proposed inquiry would have the effect of making it known, that the Bank company wanted to buy gold, and the consequence would be, that every one who had it to sell would raise his price. He was of opinion that in this respect the inquiry could make no difference, as five pounds worth of gold could not at present be purchased for the Bank without its being known who was the purchaser. Though the Chancellor of the Exchequer had said he thought cash-payments might be resumed on the 5th of July next year, one of the Bank directors had given it as his opinion that this could not be done in less than five years. To which of these statements ought the House to pay most attention? He, as every man who heard him must do, wished to see the Bank flourish, and was actuated by no hostility against the company; but still he could never bring himself to say that he thought they were not interested in the continuance of the present fictitious currency. The opinions of the Chancellor of the Exchequer and a Bank director, which had been expressed in that debate, were, as he had shewn, in direct opposition to each other: he hoped the House would put itself in a situation to form an opinion of its own. Feeling, as he did, that the financial and commercial state of the country would never be healthy until the return of a legitimate metallic currency, he must support the motion of his noble friend; the tendency of which, he trusted, would be to incite the Bank to every possible exertion for the acceleration of that desirable object.

Mr. J. H. Smyth supported the motion; contending, that the sanguine hope expressed by the Chancellor of the Exchequer, was an insufficient reason for refusing to refer the subject to a committee.

Mr. *William Smith* also supported the motion. He contended, that the silence of the governor of the Bank afforded ample proof that he did not coincide in the opinion of the Chancellor of the Exchequer, as to the probability of a speedy resumption of payments in specie. In his opinion, all the governments which had succeeded each other in this country had neglected their duty in not imposing a restriction on the profits of the Bank of England. Those profits had been immense, in consequence of the restriction, and it was impossible not to believe that the long continuance of the restriction was in some measure attributable to the advantages derived from it. He recollected that on the morning when the payments in cash had ceased at the Bank, he called on Mr. Fox, to acquaint him with the circumstance. Mr. Fox was already apprised of it. "There is one comfort, however," said he (Mr. Smith), "it cannot last long." "Not last long!" replied Mr. Fox, "I do not know what you may do; but I shall never live to see the Bank pay in money again." That great man's prophecy had been fulfilled in his case, and he feared it might with truth have been extended to his own. It appeared to him, that without a committee to investigate the subject, and lay down some principles on which the House might hereafter act, the object which they had in view could never be accomplished, and he should therefore vote for the motion.

Mr. *B. Shaw* contended, that although the Bank had benefited by the restriction, they had materially benefited the country in return; and had enabled it to wade through its difficulties, at a period of great danger and distress. What was called an artificial currency, had become so much a part of our financial and commercial constitution, that it was impossible to think of putting a sudden stop to it. The change, to be unattended with mischief, must be one of a gradual nature.

The *Chancellor of the Exchequer* begged the indulgence of the House for a few minutes. He denied that the restriction on the Bank had been imposed as the means of giving energy to the country. No ministry could ever be so mad or presumptuous as to propose it on such a ground. It took place under circumstances which it was to be hoped would never recur. Between the period at which it occurred and the present there was certainly a glorious contrast. At the  
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former, revolutionary France threatened to overwhelm the world, our allies had been subdued, our finances were in a state the most precarious. Now, we had seen our allies victorious, we had seen the French revolution terminated, and a truly free and happy constitution established in France; we had seen a peace concluded which he trusted would prove as permanent as profound. He justified the silence of his hon. friend the governor of the Bank, and expressed a hope that the predictions which had been hazarded that night would not be fulfilled; a hope founded on the recollection of those by which they had been preceded. The fears expressed on account of the high price of labour, and the assertion that the ruin of our manufactures must follow, were bugbears which had been used to frighten the people of this country, not merely from year to year, but from generation to generation. To be satisfied of this, gentlemen need only refer to what had been written on this subject at the beginning of the last century, and they would find these topics had been quite as eloquently pressed on the consideration of the public then, as they were now in our day. Referring to the apprehension expressed by an hon. gentleman, that he should not see the Bank resume its payments in cash, he stated it to be his hope, that he would live many years after the restriction had ceased; and he did not hesitate to repeat it as his sanguine belief, that that event would take place at the period which he proposed to name in the committee, when the present motion was disposed of.

Mr. *Grenfell* said, he intended to vote for the motion; and if the inquiry proposed were not granted, when the Bill came into the committee, he would move to add to the clause for limiting the Bank restrictions to July, 1816, the words which were used with respect to the property tax, "and no longer."

Lord *A. Hamilton* replied at some length, after which strangers were ordered to withdraw, and the gallery was cleared.

Mr. *Ponsonby*, whilst in the lobby, addressed the members who had gone forth. He requested them not to retire when the division was over, as Mr. Grenfell proposed to add as an amendment to the clause limiting the Bank restriction to July, 1816, the words "and no longer." These words were well thought of, and when these were pressed on the House, it would be seen what confidence the Chan-  
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cellor of the Exchequer had in the opinion he had expressed :

The numbers on the division were—

For the motion ..... 38

Against it ..... 134

Majority .....—96

*List of the Minority.*

Atherley, A.	Marryatt, Joseph
Bernard, Scrope	Monck, sir C.
Bennet, hon. H. G.	Moore, P.
Campbell, hon. J.	Milton, lord
Carew, R. S.	Newport, sir J.
Daly, D. B.	North, D.
Dundas, hon. L.	Proby, lord
Duncannon, lord	Philips, George
Dickenson, W.	Ponsonby, rt. hon. G.
Elliot, rt. hon. W.	Ponsonby, hon. F.
Fitzroy, lord J.	Prittie, hon. F.
Grant, J. P.	Russell, lord G. W.
Grenfell, Pascoe	Smyth, J. H.
Halsey, J.	Smith, W.
Harcourt, J.	Tierney, rt. hon. G.
Heron, sir R.	Whitbread, S.
Howorth, H.	Wynn, sir W. W.
Lambton, J. G.	
Lewis, F.	TELLERS.
Lyttleton, hon. W.	Hamilton, lord A.
Martin, J.	Horner, F.

Sir R. Ferguson, Mr. C. Wynn, and Mr. Ramsden, were shut out.

**BANK RESTRICTION BILL.]** Immediately after the above division, the House went into a committee for continuing an Act of the 44th of his Majesty, to continue the restrictions on payments of cash by the Bank of England. The Chancellor having moved, that the said restrictions should continue to the 5th of July, 1816, Mr. Grenfell proposed his amendment, that the words "and no longer," be added thereto.

The *Chancellor of the Exchequer* objected to the amendment, upon the ground that it would seem to limit the discretion of the House.

Mr. *Horner* inferred, and was sure the House would infer, from the silence of the governor of the Bank of England, that he looked to the event of the resumption of cash payments with any thing but hope and satisfaction.

Mr. *Tierney* thought the words of the amendment would shew that they were more in earnest than was usual on such subjects. If a case could be made out to justify the adoption of the measure afterwards, it would be competent to the right hon. gentleman to move it.

Mr. *Ponsonby* called upon the House to notice the coincidence, in the silence of

the governor of the Bank, and the refusal of the Chancellor of the Exchequer to agree to the introduction of the words proposed as an amendment. This would give them a proper idea of the confidence the right hon. gentleman put in the opinion he had expressed.

Mr. *Baring* did not think that payments could then be resumed with any safety; and that the insertion of these words might have the effect of inducing some conscientious persons to make greater exertions than would otherwise be consistent with their duty.

The House divided—

For the Amendment ..... 35

Against it ..... 92

Majority for the original motion —57

The Bill then passed through the committee.

## HOUSE OF LORDS.

*Friday, March 3.*

**CORN LAWS.]** Earl *Stanhope* said, he held in his hands three petitions, each of them numerous and respectably signed, against the intended new regulations relating to corn and grain. Two of these petitions were from Spital-fields, and one of them was signed by about 6,000 persons. He took that opportunity of calling their lordships attention to a charge, that had been made against him last night; he having been represented as wishing to reduce the taxes in a way which would sacrifice the interests and rights of the public creditor, and deprive the nation of a proper peace establishment. Having been thus grossly misrepresented, he thought it due to himself, and to the cause of justice, to call their lordships attention to the true state of the case. He had last year proposed for their lordships consideration, a resolution, which now stood on their Journals, and was to this effect: that the agricultural classes ought to be relieved from direct taxation, as far as that could be done consistently with the keeping inviolable faith with the public creditor, and the preservation of a proper and adequate peace establishment. Would any one in that House again accuse him of a wish to defraud the public creditor, or to prevent the support of an adequate peace establishment? He was persuaded that no person, after reading that resolution, could come forward with such an accusation.

The petitions were ordered to lie on the table.

Lord *Grenville* said, he had in his hand a petition from the church-wardens, freeholders, and inhabitants of the parish of St. Luke, against the proposed alterations in the corn laws, and this petition he was now about to present to their lordships. It was signed by between 7 and 8,000 persons in the course of 16 or 18 hours, certainly not two days. He stated that circumstance merely as an instance to show that those were widely mistaken who thought that the proceedings with respect to the corn laws were not generally and deeply felt. Whatever might be the ultimate judgment of parliament as to the proper course to be taken upon this important subject, it would well become the dignity of the legislature, not to hurry forward any measure that might be in contemplation. Little could be gained by precipitation—by running a race with the subjects of this country, so as to have the measure passed before the people had an opportunity of declaring their opinion upon it. If the legislature really wished its decisions to be treated with that respect and deference which ought to be felt towards the proceedings of parliament, it was of the last importance that there should be no appearance of hurry and precipitation, no attempt to prevent the voice of the people, when regularly and temperately expressed, from being heard and duly attended to. But at any rate, no precipitation could prevent the general, he might say almost universal sense of the people from being expressed and felt. He wished their lordships to observe, that this petition was signed, not merely by those on whom the proposed regulations would press most heavily, but by a great number of landholders, who were convinced that the principal article of subsistence with the poorer classes ought not to be touched by those regulations. Deeply convinced of the soundness of the opinion which he himself entertained on this most interesting subject, he was anxious to take every opportunity of declaring that opinion, and of promoting to the utmost of his power the most attentive consideration, the most mature and ample discussion, and the most cautious and deliberate mode of proceeding, when they were about to legislate on a matter of such vital importance to the community. He deeply regretted, therefore, that he did not happen to be in his place last night, when some discussion on

the subject had taken place; but, whatever might be the difference of opinion among them, in this at least he should imagine that all must be agreed,—that in legislating on this question every appearance of precipitation ought to be avoided, and every opportunity afforded to collect information and the sense of the nation at large from all quarters of the empire.

The petition was then laid on the table.

The Earl of *Darnley* wished that his noble friend had been present last night to have stated what he might have thought proper on this certainly interesting subject; and he wished it the more on account of the deference which he felt for his noble friend's opinion—a deference so great, that when he had the misfortune to differ from him, he was almost ready to distrust the soundness of his own conclusions. He had last night adverted to a statement alleged to have been made by the chief magistrate of London, that the price of the quarter loaf would be raised by the proposed regulations to 16d., and he now wished to move for the production of a document which would show how erroneous such an opinion was, supposing it to have been expressed. The price of the quarter of corn might be far beyond 80s. without the quarter loaf being at so high a price as 1s. 4d. or any thing like it. That the price of bread in London was higher in general than it ought to be with reference to the price of corn, was true; but that must be the effect of bad regulations. He concluded by moving for an account of the average prices of grain, flour, and bread in the London market during the last ten years.

Lord *Grenville* admitted, that this document might be the means of bringing important information before the House; but it would not be complete without a similar account of the prices in the maritime districts, which regulated the importation of grain. He moved, therefore, for a return of the average prices of grain, flour, and bread in the 12 maritime districts of England and Wales since 1792.—Both accounts were ordered.

SCOTCH TRIAL BY JURY BILL.] The report of the Scotch Jury Trial Bill was taken into consideration, and the Lord Chancellor proposed a clause, providing, That the jury must be unanimous in their verdict as in England, and that the man who was first drawn, or first answered to his name, should be the foreman or chan-

opinion that gentlemen were actuated by personal motives, still he thought that every thing should be done to prevent such a mischievous impression, being convinced that the belief of the people would be such as he had stated, unless greater time were given for consideration. If the people were in error, the more time that was given for discussion, the better would be the chance that error would be corrected.

Mr. *Babington* said, that while he highly respected the agricultural interest, and wished it to be properly supported, he could not give his assent to the proposed restricting price. The decision of this question depended on the consideration of a great variety of circumstances. In the first place, they had to examine it with reference to our foreign trade. Our manufactures were sent to every part of the world; but they never would be able to compete with those of foreign countries, unless labour were cheap, and that depended on the price of provisions, as compared with the rate at which they were sold on the continent of Europe. By their naval superiority, during the late war, they were possessed of a sort of monopoly; but that had ceased, of course, with the return of peace; and now they had to contend with much greater difficulties, with respect to the sale of their manufactures, than they had to encounter prior to the commencement of hostilities. In consequence of the peculiar state of the continent, many foreign countries had established manufactures of different kinds, either to provide employment for their poor, or for the convenience of possessing those articles which formerly they purchased from Great Britain. Our manufactures would, therefore, in this new state of things, have to struggle against difficulties greater than had ever before impeded them. This country, it was true, possessed many advantages in commerce and agriculture. It had an abundant capital, greater than any other kingdom could boast of. It was a nation skilled in manufactures. Indeed, it might be said, that they had a standing army of manufacturers, ready to support and extend the commerce of the country. They possessed a free constitution, which gave a degree of consequence to manufacturers, which they did not elsewhere enjoy. There were a variety of other advantages; all which combined, would, to a certain extent, but to a certain extent only, en-

able England to combat against the disadvantages by which her commerce and manufactures were likely to be affected. Under these circumstances, they ought to take care not to support any measure which threatened to weaken the national strength, or to paralyse the national security. Now, a very great disadvantage to our manufacturing interest would be produced, if the price of labour were augmented, by raising the price of provisions. This was a relative question, which could not be settled by looking to the home prices; they must examine the prices abroad; because, in proportion to the price of provisions on the continent, the foreign states would or would not be enabled to compete with us in the different markets. On an average, looking to the price of grain in the north of Europe, in Flanders, France, &c. it might be rated at 40s. per quarter—grain being, from a variety of causes, the neglect of tillage, the march of large armies, &c. dearer in the present than it would probably be in future years. Now, should the price of grain on the continent gradually decrease, and the rate of manufacturing labour become lower in proportion, how could this country hope to meet the foreign manufacturer in his own market, if a restricting price of 80s. were imposed? In his opinion they could not proceed farther than 63s. or at farthest 66s.; if they went to 80s. it would be stretching the bow too much. If corn were sold under the limited price, it would be in consequence of our growing sufficient for our own consumption. And, should a very abundant season occur, there would be a considerable superflux—how was it to be disposed of? The middle-man would not take charge of so perishable a commodity. Recourse must then be had to exportation. But where were they likely to find a vent for this superfluous grain? It was not probable that any market would be found for it on the continent. The consequence would be, that the necessary re-action must produce an effect far more prejudicial to the farmer, than could flow from the present moderate price of corn. If they adopted the restricting price of 63s. they would only go back to the situation in which they stood in 1804, with the exception of the taxes. Laying the taxes for the present out of the question, he did not think there was any great hardship in recurring to the system of 1804. They were, at that period, a great, a happy, a

flourishing nation; and they were enabled to feed with the produce of the country a very considerable portion of their own population. Since that time much land had been brought into a state of cultivation. But he did not fear, if the restricting price were confined to the sum he had mentioned, that poor lands, now producing corn, would be again consigned to grass. The price of labour, he had no doubt, would fall, taxes would be lessened, and the consequence would be, that those lands would continue to be cultivated. The taxes would probably be heavier than in 1804, but he did not think they would be so heavy as to produce an effect contrary to that which he had stated. In Ireland the agriculturist was enabled to grow his corn much cheaper, because the taxes were considerably less than in this country, and labour was also paid at a much lower rate. If the Irish farmer could grow his corn at 40s. per quarter, he conceived, that, with a protecting price of 63s. he would not be likely to abandon tillage. With respect to rents, he must observe, that they had risen to an unnatural height, in consequence of the circumstances of the war; and, if they were reduced to something like what they were in 1804, he conceived the land-holders would have no just cause of complaint. He thought it fair to state, looking to the great rise of rents in that country, that they might be very considerably lowered, and yet those who possessed landed property suffer very little by the alteration. It should not be forgotten, that for the last half century our manufactures had thriven under the import system, and he, for one, would not rashly depart from it until the House had further experience as to the effects of peace. He contended, that prices would be less steady, if we depended entirely on our resources. When the crops were good, prices would be extremely low, and when bad they would rise enormously high. He concluded with observing, that low prices and high taxes were indeed a serious consideration to the landed interest; but high taxes, high prices, and a failing foreign commerce, would be much worse.

Sir John Newport said, he could most truly assert, that not even the hon. gentleman who had just sat down, though representing a manufacturing county, could wish more sincerely than he did, that the manufactures of Great Britain should flour-

ish. And, although Ireland, in agriculture, bore a paramount interest, yet, if he thought, that, by supporting this measure, he was advocating that which would injure the manufactures of England, he would not present himself to the House on this occasion. But, when gentlemen spoke of this large manufacturing population, they should not forget, that there was a very great proportion of individuals, connected with agriculture, who anxiously awaited the decision of parliament, in the hope that it would relieve them from the pressure by which they were at present afflicted. In saying this, he was influenced by no partial feeling. He looked equally to the interests of England as of Ireland. The House should not forget, in considering this measure, that there was a large body of the inhabitants of the latter country, wholly dependent on agriculture for their daily employment. Those individuals had not, as in this country, if not supplied by labour with the means of subsistence, an opportunity of seeking relief from the poor-rates. They could only look to that scanty pittance, if, indeed, any such existed, which they had saved out of the labour of former years. This was the case in Ireland. And he could assure the House, from a number of communications he had received from the magistrates of that country, that distress was universally felt there at present. Cases of theft, the offenders men who had heretofore borne the best characters, were now frequently investigated in that country. In consequence of the alarming extent of these depredations, the magistrates had instituted an inquiry into the state of the lower orders in certain districts of the south of Ireland, and had found that many of the labouring poor had not been able to procure a single day's work from the middle of November till the end of January last.—They were ready, they were able, to work—but they could not procure employment. Was this a situation in which they would like to place any part of their population? He would make his appeal on this subject, and make it boldly, to the manufacturers themselves. He would ask them, did they wish to see any part of the labouring population of the United Kingdom placed in this heart-breaking situation? He was sure he could anticipate their answer. He was sure they would exclaim, with one voice, "Let those people have ample relief." Then,



in what shape was this relief to come? It was by giving Ireland the benefit of her agricultural improvement. In consequence of the peculiar circumstances of Ireland, he, an humble individual, who claimed no merit for the act, introduced a measure, which he conceived, by opening the intercourse between the two countries, would effectually serve both. That measure had exceeded his most sanguine hopes. Yet, at the time that it was brought forward, it was, like the present measure, misrepresented and abused. It was reprobated in Ireland. The people there imagined that its effect would be to deprive them of sustenance. But now the alarm had gone by, and they recognised in it a powerful engine of wealth and prosperity. That country was every day becoming more and more productive. It possessed capacities of improvement, beyond what any person unacquainted with it could imagine. And, by encouraging the progress of improvement, agriculture was not only extended, but civilization and domestic habits, which went hand in hand with industry, were introduced and established. Parliament had the power to throw that population back to idleness and insubordination, which they had called to industry and obedience to the laws. They could throw that population back to pasture, to the grazing of cattle. But could that pursuit afford them sufficient employment? It was utterly impossible. Would the House consent to throw back this immense population to a state dangerous to the community in general, since it must be destructive of their moral habits? Under all these circumstances, he hoped they would extend the relief to Ireland, which her situation required.

The right hon. baronet said, he would here make a short statement to the House, which, perhaps, had not come within the knowledge of gentlemen. It would show that the state of Ireland was such, as imperatively demanded relief; because it would prove the immense number of persons who were dependent on the agriculture of that country. By the returns of the population of Ireland, imperfect as they were, it appeared, that, in the four great manufacturing counties, those of Louth, Antrim, Armagh, and Down, together with the cities of Dublin and Cork, there were 708,600 families, and of these 488,800 were supported by agriculture. Much more than two-thirds of

the whole population of those extensive districts, including Dublin, which contained 176,000 inhabitants, and the city of Cork, containing nearly 100,000, were dependent on agriculture. Of the remaining 219,000, 164,000 were supported by trade, manufactures, and handicrafts. It thus appeared that the individuals connected with agriculture, greatly outnumbered those embarked in manufactures. And the inference was evident, that any check given to agriculture would be vitally felt in every part of Ireland.

The right hon. baronet then proceeded to argue, with great force, that, from the peculiar situation of the sister country, England was bound in honour, in justice, in good faith, to encourage her agriculture. Many circumstances, he observed, had formerly occurred between the two countries which called for this protection. He would not enter into the detail of those circumstances—such a course would only inflame, and he wished to conciliate—but he would advert to the result. Ireland was diverted from the woollen trade, in which she formerly profitably engaged, to depend on the manufactures of England. Was it not, therefore, just that England should take from her that produce, which, in consequence of her giving up the woollen manufacture, had become her only support? The hon. gentleman who spoke last called on them to look at the foreign market, for their manufactures. He (sir John) did not think he was asking too much, when he called upon them to look at the home market. It was in evidence before the House, that, in proportion as the demand for the agricultural produce of Ireland increased in Great Britain, in precisely the same proportion the demand for British manufactures increased in Ireland. This observation was not confined to any one branch. Woollens, cottons, glass—almost all the household furniture, of Ireland—were supplied from this country. By the Act of Union, Ireland had placed out of her reach, by duties amounting to a prohibition, the admission of foreign manufactures into her ports. She had thus restricted herself to the use of the manufactures of Great Britain. Had she not, therefore, a just right to demand of this country, that her produce should be received in preference to that of foreign nations? They had frequently heard of the excesses committed in Ireland. No man deplored them more than he did; no

man would hail, with greater pleasure, the restoration of tranquillity and happiness, in that country. The true way to attain this desirable end, was by giving to the people a permanent interest in the soil. Give to the peasant that which is necessary for him—employment, and at the same time you give him a taste for wholesome pursuits, a love for peace and industry! And, while you by this means give wealth to Ireland, you must essentially benefit Great Britain; since, with the love of peace and order, a desire to avail themselves of the comforts of British manufactures, will inevitably be excited. The interests of the two islands were, in every respect, closely interwoven together. And every measure which tended to convince the people of Ireland of this fact, assisted in forming a union, far stronger than any legal tie—a moral union, raised on the basis of mutual interest and mutual obligation.

It had been said, and the sentiment was very prevalent without doors, as well as within those walls, that this measure would not afford immediate relief to Ireland, and therefore did not suit the exigencies of that country. Here, as in every other case, the fact was every thing. The cessation of demand in Ireland had paralysed the whole country. It was not there, as it was in this country, where large capitals existed, customary to proceed to speculate extensively. They could not there afford to speculate, for a considerable time, in any commodity. The merchant, if he did not find the demand commensurate with his purchase, was obliged to forego the trade. He could not, like the merchant of England, proceed to an almost indefinite extent. The evil arising from cessation of demand must be felt more speedily in the sister country than here; and to this might, in some degree, be attributed, the greater degree of tranquillity observable in England than in Ireland. In the former, there was an almost constant series of employment for the labouring poor—in the latter, it was precarious and uncertain. The less the amount of capital, and the poorer the people, the sooner would the cessation of demand be felt. The cessation of the demand for agricultural produce, in Ireland, had occasioned a stagnation of business in every part of it, and had caused a total want of confidence amongst the people, with respect to those measures which were likely to do them service. All commer-

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cial intercourse was suspended between the two countries, pending the decision of the House on this measure. It was under circumstances of this description, that the hon. member had moved, not an alteration, not a modification of the measure, but the postponing the consideration of it for six months! It was in fact saying, that a measure which gentlemen declared ought to be fully and fairly discussed, should be put off for another year. The table certainly was not loaded with petitions in its favour; but if as much pains had been taken to procure petitions on the one side, as was manifested to procure them on the other, he had no doubt but a great number would have been presented to the House in support of the Bill. Did they not think, that, out of the 488,000 families, who, as he had before stated, were dependent on agriculture for their support, many would come forward to sign petitions in favour of the measure? He conceived, the House was bound to hear, calmly and dispassionately, every representation of the people; but he thought, on all occasions, particularly on questions of this nature, that parliament ought to be guided in its measures by its own solemn deliberations. Every gentleman knew, that if the opinion of the people had always been made the standard of their proceedings in cases of this kind, they would frequently, for the purpose of purchasing bread at a very cheap rate for the moment, have run the risk of buying it for whole years at a scarcity price. They would not have stopped, even if the price of present gratification had been nothing less than future famine. He felt so strong on this question, he was so thoroughly convinced that the interests of the two countries were the same—that he had no hesitation in declaring his firm opinion that the protection of the farmer was absolutely necessary to every class in the community. He had no objection to a moderate delay—he would give every fair opportunity for considering the measure—but he would deprecate any postponement, that went to destroy the hopes of those who depended on their daily labour for subsistence. It was of no use to tell the poor man that he should have a large loaf, when he had not employment by which he could earn the price of it. If this measure were not agreed to, if the labouring population were left without employment—it would be the means of driving them to mal-practices, and would probably reduce Ireland to a state, which

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applied to one species of commodity, why should it not apply to another? If it applied to manufactures, why should it not apply to corn? The disadvantages arising from its not being applied to corn had been seriously felt, and he apprehended would ere long be very generally acknowledged. Already did the shopkeepers in market towns view with dismay the distresses of the farmer; in vain did they look for that custom to which they had heretofore been accustomed; the farmer passed their doors dejected and distressed, he was no longer able to purchase those little articles of luxury and manufacture which had given spirit to trade, and that friendly intercourse which had in former times subsisted, was broken up. Indeed, he had heard it as a fact, that several inns had actually been closed, in consequence of the absence of those persons who had been their certain customers, but who now transacted their business in the open streets, and then returned to their houses to the meagre fare of bread and cheese. These were facts which could not be disguised, and which he trusted would operate as a convincing reason with the House for passing the Bill before them. He would conclude what he had to say to the House, by quoting a passage of an address, which in 1802 was presented from prince Talleyrand to Buonaparté. In this address that prince, who was known to be a man of great talents, pointed out the beneficial consequences which would result to France from a peace with Great Britain. "Leave them in peace," said prince Talleyrand, "and their ministers will be distracted by popular clamour, which will always be exerted and encouraged by designing men."—"Leave them in peace," again said he, "and they will never think of striking out schemes for the increase of their population. Instead of manufacturing for their own benefit, they will manufacture for the use of others." "Leave them in peace," lastly said he, and it was unfortunate that his words had been so prophetic, "and their nobility and gentry will come to France, and in squandering their money and great riches among us, augment our national resources, while they enslave their own country." This was the address of a sensible man, who seemed to have taken a very close view of the English character; but he trusted the government of this country would not permit such observations to be verified by facts. He entreated the House to afford

the same protection to the farmer which they did to the manufacturer, and thereby ensure the prosperity of both. By this means the population would be increased, the stability of the country secured, and the probability of enslavement by France rendered chimerical.

Mr. *Preston* agreed with those who thought it was a great evil that our absentees should spend so much English money in foreign countries; but he could see no very great difference between spending it personally in France, and sending it over there, to purchase what our own country was capable of supplying. As to the proposition of substituting 72 shillings in the place of 80, it would be to do away the entire effect of the measure, and all the good that was expected from it. The difference between 72 shillings and 80 would amount on an acre, producing five quarters, to no less than forty shillings, or, in other words, to the whole rent. When the reduction of the price of agricultural labour was spoken of, he would ask, would it be right to take 25 per cent. off the price of their labour, and make their misery much greater than it now was? It was true that land, in a very high state of cultivation, such as Mr. Mant's farm was, and which was also tithe-free, might be sufficiently protected by the price of 72s. Land that produced 40 or 50 bushels of corn on the acre could afford to pay large rents, and the corn might be sold cheap. The average of the land of England, however, was not of that quality, and the expenses on a poorer soil were greater than those on land of high cultivation. He thought, that when it was considered how much higher the price of labour was to the manufacturers than to the agricultural labourers, he did not think that it would be too great a sacrifice to demand of them, that even if this measure should raise their expense in bread a farthing or a halfpenny a day, they should submit to it in order that the agricultural labourers might live.

Mr. *Marryatt* could not avoid adverting to the expression of an hon. gentleman opposite (Mr. Thompson) "that no honest Yorkshireman, even though living in a manufacturing town, would wish to starve the farmers." He believed, however, that the people of Yorkshire, as well as other counties, without looking over the hon. gentleman's books, understood pretty well the connexion that there was between the farmers and the country bankers. He thought

that this consideration lessened much of the weight of the arguments which the hon. gentleman had now brought forward. [Loud cries of No, no!] He considered that connexion to be a link of the question which they had been discussing last night, namely, the Bank Restriction Act. As to the proposed measure, he was not unfriendly to the principle of it, as he thought some protection was necessary to our agriculture; but he was unfriendly to the price which had been fixed by the committee as the protecting price. In opposing the Bill, he therefore only considered himself to be acting against 80s. as the protecting price.

Mr. *Protheroe* said, that he did not feel the same embarrassment as the hon. gentleman who had last spoken, as he had been uniformly against the principle of the Bill. Having yesterday presented petitions against the Bill, he thought it necessary to obviate the charge of inconsistency that had been brought against the petitioners. It had been stated, that they sent up petitions which they did not attempt to support by evidence. Some of those petitions had last year been brought up on the very last day of the discussion; and as the committee were only instructed to inquire into so much of the subject as related to the importation of foreign corn and the duties payable on it, they might well have supposed that they had no business to go before it. It must be recollected, also, that the prayer of their petition was, that the Bill should not pass into a law. When a motion was afterwards made and carried, for postponing the consideration of the Bill for six months, the intention of that motion was not merely for delay, but it was a parliamentary way of throwing out the Bill altogether. From the great rejoicings that took place on the success of that motion, it must be supposed that it was the general opinion of the country that parliament had listened to their petitions, and thrown out the Bill. They were not to expect that it would have been brought in again this year, and they would have acted weakly if they had attended the committee. He did not think that the hon. gentleman (Mr. Thompson) had stated the true principles of trade, in saying that we ought to export as much and import as little, as we could. If we imported nothing, how were the merchants to be paid for what they exported? He considered, if the price of 80s. were fixed,

that although that price would be a minimum to the public, it would be by no means a maximum to the farmer; for all the evidence had stated, that in the case of a bad harvest, no quantity of importation that could be reckoned on, would prevent corn being raised to a very high price.

Mr. *Wharton* supported the Bill, and complained of the imputation thrown on the conduct of an hon. member by another, who had spoken of the connexion between the country banks and the price of corn. Those who knew that hon. gentleman, knew him incapable of acting from such base motives as had been ascribed to him.

Mr. *Marryatt* said, what had fallen from him had been misconstrued. He had meant to cast no imputation on any one. He had only referred to the influence which a paper currency had on the price of corn.

Mr. *Lockhart* began by observing, that there was a mode of public argument, which should be avoided in speaking on subjects of great public interest, inasmuch as our vital interests depended on the existence of the constitution and the government. If from day to day false statements and false arguments were advanced even in that House, how was it possible that a great degree of irritation should not exist in the public mind? How could men who did not understand the subject, bear without feeling considerable irritation, that the effect of this measure would be to deprive them of their bread? How was it possible there should not be irritation, when it was confidently stated, not only by a chief magistrate, but by members in that House, that the effect of corn being 80s. a quarter, would be to raise the price of bread to fifteen or sixteen pence. Every peasant in the country knew that it could not have that effect. They all recollected, that when the bread was fifteen or sixteen pence, the price of corn was considerably higher than 80s. Indeed, there was something about the assize of bread in London, which made it much dearer there than it was in the country. Even 50 miles from town, the quartern loaf was usually two-pence cheaper than in London, and many country bakers made a trade of sending bread to town. He should have supposed, that the gentlemen who opposed the present measure must have read the pamphlet of a right hon. gentleman (Mr. Rose), which had been very generally distributed.



throughout the country. Now the calculation made by that right hon. gentleman was, that when corn was at 90s. a quarter, the loaf would be, not at 15d. or 16d., but at 13½d. The hon. gentleman (Mr. Protheroe) had stated, that the petitioners were not aware that it was necessary or proper for them to bring evidence before the committee who were sitting on this subject. What! when they had in the hon. gentleman an advocate of such sagacity, and so desirous of obtaining their goodwill, how came it that he did not inform them their petitions were referred to the committee, and that it would be advisable to support them by evidence? There were some gentlemen who wished to delay the consideration of this subject for another year; but what object could that answer, except to run again the same course of ruin to our agricultural interests? He had heard about leases being taken by persons intoxicated at ale-houses, at enormous rents. He knew of no such proceedings, and was sure that no landlord of probity, or honour, or common sense, could resort to such a means of getting a lease signed, which would be as void in law, as contrary to every moral principle. He was not in that House the advocate of any particular class of people, but spoke what he thought for the common good of all. If he were to be the advocate of any particular class, it should be of the labouring class. The labourers who followed the plough, or guided the horses, were in his view as deserving of the protection of parliament as any other class. As to that great mass of national property which was in the hands of the stockholders, although he had heard that their interests were opposed to this measure, and that they should petition against it, he was convinced that there was no one who possessed stock that would put his name to such a petition. Any little advantage that they might gain in the price of the quartern loaf, would be nothing in comparison to the great diminution in the security of their capital. Agriculture must be considered the great *matrix* of all other produce; and it was impossible that agriculture could be much depressed, without carrying with it into the like depression, all the sources of our prosperity. He thought that the labouring classes were much excited at the present moment by orators, and by men endeavouring to gain popularity, who laboured much more to gain popular applause than to do any serious good to the country.

He conceived that the price of agricultural labour had been unhappily reduced below what it ought to be.

Mr. *Elliot* said, that when a measure of a similar nature was proposed towards the close of the last session, he was amongst those who had voted against it; not because he had been by any means under a clear impression that some regulation might not ultimately prove to be necessary, but because he had thought the moment very ill selected for such a discussion, and because there was then before the House a singular paucity of information on a subject, which appeared to him to be amongst the most difficult, in some of its details the most intricate, and, in the present situation of the country, certainly the most critical to its interests, of any that could be offered to the consideration of parliament. The progress of his opinions on the question had, he acknowledged, been very slow: there was perhaps no man in that House, who was in the whole turn and habit of his mind more adverse to what is commonly called political regulation than he was, especially too on matters in any way affecting public subsistence. This reluctance also was not diminished by the opposition the measure experienced from some of his friends, for whose sentiments upon all subjects he felt the highest esteem and veneration, and amongst others from his hon. and learned friend (Mr. Horner), whose mind was, as the House had recently an opportunity of observing, deeply stored with information on all matters connected with political economy, and whose judgment on this question he knew, from the private intercourse it was his happiness to have with him, to be founded on the most candid and impartial grounds. Notwithstanding, however, all these weighty considerations, after the most mature and unprejudiced deliberation which he was capable of giving to the evidence now on the table, as well as to whatever information he had been able to gather for himself, he was compelled to say that, in the view which he took of the policy of the question, it did appear to him that some regulation would be imperatively requisite. Under these circumstances, though his sentiments on any matter could be of little importance to the House, and though he was conscious they were of peculiarly little value upon this subject, he trusted he should be permitted, from motives of deference and respect to those from whom

he had the misfortune to differ, very shortly to assign the reasons which had brought him to the conclusion at which he had arrived.

With regard to general principles, to which so much allusion had been made on a former night, he presumed that no man in these days could doubt of the benefit which resulted, in all matters of trade, from a perfect exemption from restraint, so far as it might be safely attainable. He was sure his honourable and learned friend (Mr. Horner) would not attribute to him any desire of depreciating general principles. The man who rejected general principles, seemed to him to discard from his consideration the elements of science. But his learned friend would, he was persuaded, admit that general principles were to be used with some caution and reserve. If, in their application to an artificial system, like our own, we were to take them without a due reference to our actual condition; if they were not to be in some degree modified and regulated by the circumstances with which they might happen to be combined, instead of being our sure guide and light, they might lead us into very extravagant and calamitous errors. The question, therefore, was not about the truth or falsehood of these general principles; it was about their application. The problem offered for the solution of the House was, Whether we could in the present condition of the country safely abandon the system which for the most part we had pursued, and cease to encourage our main branch of our commercial institutions, many of the other branches of our industry being in possession of various and multiplied artificial advantages, and it being admitted (for he had not heard it disputed) that agriculture, the trade of corn, was as sensible to that sort of stimulus as any other description of traffic. His right hon. friend (Mr. Ponsonby) had well stated, that we had a very imperfect discretion over the kind of freedom of trade, which was the subject of discussion. It was very different from the freedom of inland trade: inland trade was the creature of the state; the legislature could both give it freedom and could secure its permanence, but the duration of foreign commerce was at the volition of another party; this other party might terminate it at the moment of its own convenience, and that conjuncture might be, and indeed was not unlikely to be, very inconvenient to ourselves. Thus France would close her ports when

wheat should arrive at the price of 49s. per quarter; she then would be apprehensive of scarcity, and would leave other nations to provide for their own supply. Thus if we sacrificed our agriculture, it seemed to him that we were committing the supply of a considerable portion of our population with an article of prime necessity, to the fluctuations not only of seasons (from the influence of which we could not preserve it), but to the fluctuation of the exigencies, the interest, the ambition, or the passions of perhaps rival and contending powers.

In the consideration of the subject there seemed to be two material questions; first, Whether the agriculture of the kingdom, by a reasonable application of capital, could be very greatly increased? Upon this point he should not have dwelt for a moment, if some doubt had not been cast on it by his two hon. friends (Mr. Baring and Mr. Smith); they alleged that there had been much wasteful application of capital to land; that there were many examples of such improvident enterprises, he did not doubt; indeed, some such had fallen within his own personal knowledge: but he would ask, in what branch of the most prosperous and successful commerce there was not much fallacious speculation? The testimony of persons on matters where their own interests were so essentially concerned was, he admitted, to be taken with due qualification. He must, however, reject the whole substance, scope, and tenour of the evidence on the table, if he did not believe that this island might be made to yield a very large augmentation of agricultural produce without any extravagant direction of capital to that object. With regard to Ireland, no man who had ever read of it, no one who had ever heard of it, certainly no one who had ever seen it, could doubt of its affording an almost inexhaustible field for cultivation, or of its becoming, by due means of improvement, a most fruitful and abundant granary for the British empire. If his hon. friends meant to allege, that the capital of the country could be turned into more profitable channels, he should reply that, in the combination of circumstances which composed the power of the state, wealth was only one ingredient, and that it ought not to have more than its proper place in our consideration. Upon the whole, therefore, he had the most entire conviction that this preliminary question was to be determined in the affirmative.

The second question was, whether, if we were to adopt the system of free importation, or of importation at the present low rate of duty, the continental powers might not pour grain into our markets in such quantities, or in such a manner, as to obtain a decisive superiority over the home grower? Now, considering the advantages which many foreign nations possessed in point of soil and climate, in cheapness of labour, and in comparative lightness of taxation, he thought this question also must be answered in the affirmative. This position might indeed be said to be allowed by the amendment that had been moved by his hon. friend (Mr. Baring), which admitted that, at least for a term of years, the agriculture of the united kingdom was likely to be embarrassed by the competition of foreign corn, that it would be expedient to afford it artificial encouragement, and that this encouragement should be given in the mode of a prohibitory duty. His hon. and learned friend (Mr. Horner) could have only voted for the amendment because he considered it as a lesser evil than the measure proposed; for he held that, even if the agriculture should decline, it must be left to find its own level. His learned friend did not depreciate the agriculture of the kingdom, he valued it as an important part of the national prosperity; but his doctrine was, that it was not, under any circumstances, a fit matter for legislative regulation, unless indeed it could be proved that there was a risk of a deficiency of supply. This hazard, however, his learned friend looked upon as trivial. He alleged, that if we could not get corn from one country, we should be able to procure it from another, and therefore regarded any danger of this sort as so visionary as not to be put into competition with the advantages which he represented as the likely result of a perfect freedom of importation. These advantages were, a general cheapness, a salutary reform of the artificial part of our system, and a great increase of our manufactures and our foreign trade. Though he did not mean to dwell on those details, he could not help observing, that these benefits appeared to him to be somewhat problematical, both with regard to their attainment, and to their amount, if attained. The cheapness, to be efficacious, must be considerable and unfluctuating, and this he thought very doubtful. It was to be accomplished by the reduction of the price

of grain, which was to diminish the price of labour. He was far from denying the influence of the price of corn on that of labour; but it must be admitted, that the degree of this influence might be very much varied by circumstances. In Ireland, for example, it would have very little effect, because corn was not the general subsistence of the country. In countries where subsistence formed the principal part of the expenditure of the labourer, the effect would of course be much more considerable. In England much of the expense of the labourer consisted in articles of luxury, which, however, were become essential to his comfort, and were therefore to be reckoned among the necessities of life. Now the operation of the price of corn must be chiefly confined to that part of the price of labour which belonged to subsistence. It might, to be sure, affect in a slight degree some other articles, but several it could not affect at all, and in these articles, he apprehended, consisted the great difference between the prices of this and of other countries. It was in vain to disguise, that the real source of the dearness of England was the weight of its taxation—a heavy burthen, but a burthen which, as he had always thought, was wisely, nobly, and necessarily incurred by the country for the preservation of the land and of the manufactures, and for the conservation of every interest that was most dear and valuable in society. Nor could we look to its speedy reduction; it could only be diminished by that, which he earnestly prayed might happen, a long and profound repose, and a steady unrelaxing adherence to a system of rigid retrenchment and economy.

With respect to the correction of the artificial vices of our system, no man wished more to see such a reform than himself, so far as it could be effected without hazard to the interests of the country; but he must deprecate the immediate application of general principles to our internal supply of subsistence, which he considered as the shield of our commerce and manufactures against the envy and jealousy of the world. His hon. and learned friend (Mr. Horner) had laid much stress upon the present friendship of France, and had called upon the Chancellor of the Exchequer to declare, whether there was any danger to be apprehended from that quarter. This was an *argumentum ad hominem*, rather than an *argumentum ad rem*.

He would ask his learned friend, whether he thought it contrary to all probability, that, in the course of a few years, France might revive her ancient jealousy of the commercial greatness of this country? But it was not France only which was to be feared, it was well known that America and most of the maritime powers of Europe had always more or less looked askance at the naval and commercial prosperity of Great Britain. This was a danger which no statesman could put out of his contemplation, because it arose out of the peculiar construction of our power. He heartily wished that all such rivalships and animosities might be for ever extinguished; but that man must have nerves of iron, who could commit the subsistence of the country to such a chance.

The right hon. gentleman then proceeded to shew the change, which he conceived any system that should essentially check the progress of our agriculture, must produce in the distribution of the population, in its condition, and in the nature, as well as in the degree, of the power of the country. No man could hold the importance of our manufactures in higher estimation than he did: they constituted a most essential part of the strength and greatness of the state; they were a powerful aid to the agriculture of the country: but they contributed not only to the cultivation of the soil, they fertilized and enriched the human mind; they added largely to the stock of human knowledge; they diffused science; they in all ways embellished and refined society; they in every mode conduced to the moral, social, and physical happiness of men, and perhaps in the last-mentioned respects they conferred even greater benefits on other classes of the community, than on that portion of the population which was employed in their own particular paths of industry: but the basis of this structure was the land; we flourished much through our commerce and our manufactures, but we flourished also because we had hitherto been a great agricultural nation.

The right hon. gentleman contended, that in the discussion of this question, we were never for one moment to forget that we were a great substantive power in Europe, having a prevalent weight (which he trusted we should ever use for our own honour and the benefit of surrounding nations) in the grand balance of the political world; and we were not to disguise

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from ourselves, that we attracted the envy which was inseparable from the eminence of our station. We were not like Holland, and the other countries to which we had been compared; nature had prohibited those states from raising their own stock of subsistence; they might advantageously and safely depend on other nations for supply. If they were assailed on one side, they were sure of finding protection on another; but this country was, from the very construction of its power, peculiarly exposed to confederate jealousy and hostility, and on no account more than for its commercial and maritime prosperity.

One of the chief benefits which the advocates for the free importation of corn held out as an inducement to the adoption of their system, was cheapness. His hon. friend (Mr. Whitbread) had stated that subsistence and population went together. If this position were true (and he believed nothing in political economy was better established), our population would go on greatly increasing, and we should be altering its distribution, not upon general principles, not by leaving things to find their natural level, but, *artificially*, by ceasing to encourage agriculture and leaving the other branches of our industry in possession of all their advantages, and thus inviting capital from the land to manufactures. We should be forcing our population into a shape, which (though most salutary in its due proportion) must be acknowledged to be liable to great fluctuations of fortune, which was dependent in some of its branches on the caprices of taste and fashion, and which was always peculiarly sensible to deficiencies of subsistence. If under such circumstances we should be placed (a situation by no means without example) in altercation with the maritime nations of the world, upon matters relating to our maritime and commercial interests; and if we should feel that, besides impeding the egress of our manufactures, they could turn upon us the discontents and other evils incident to scarcity, what would be our power in such a negotiation? He wished those gentlemen who represented the commercial and manufacturing interests in that House, or any others who were most peculiarly concerned in those honourable and meritorious branches of the public prosperity, to consider how their interests would be likely to come out of a negotiation conducted under such fearful embarrassments? Would

(4 K)



England be what England had hitherto been? He must maintain that, under such a dependence on foreign nations for our subsistence, the solid fabric of our power would be shaken to its very foundation. It had been said that this danger was visionary and speculative, that we had experienced formidable confederacies, but were always able to procure supplies of grain. It was true that we had been the object of such hostile combinations, but it was to be recollected that we had met them with an improved and largely increasing, and not a decayed and languishing agriculture. There was a wide difference between the condition of a country which was approaching to the point of its own supply, and that of one which was receding from it. In some of the years of deficiency in the present century, in 1812, for instance, the balance of importation had been very small; and if in that year we had been at a great distance from the point of our own supply, instead of being as near it as we were, we should have had to have endured a dearth approaching to scarcity.

But when gentlemen talked of speculation, he wished the House to examine whether there was not some speculation on the side of the advocates of free importation. In the first place, he must repeat, he thought the great cheapness, which was promised, very problematical, and next he considered the expected advance of the manufactures as very dubious. Before the manufactures could add one particle of wealth to the country, they would have heavy losses to repair. They would have to make good the loss sustained in agricultural produce, and they would have to supply the diminution in the consumption of this island as well as in that of Ireland. Their progress, too, must be in some degree impeded by the distress of the landed property, which, including the various interests immediately connected with it, comprised no small portion of the national wealth. Such a system could not be adopted without much public misfortune. The reduction of the gentry of the country would be a great public misfortune—a heavy calamity to the people. It was not true that the landed proprietors had been rolling in wealth—they had suffered their portion of privation. He begged to be understood as intending no invidious contrasts. To the immortal honour and renown of the country, there was not one

class or description of persons in the community from the highest to the lowest which had not gloriously sustained its station, and had not evinced its due share of that patient and illustrious fortitude which had carried us through the painful and protracted struggle from which we had been just delivered. He meant no more than that the landed interest had borne its share. The impoverishment of the tenantry of the country was, in his contemplation, to be reckoned as a great public misfortune. The diminution of the inland trade was a great public misfortune. The state of the peasantry would be a heavy public calamity. What was to become of that valuable part of the community? All writers on political economy admitted, that nothing was more difficult than the change of men from one employment to another. The agricultural labourers would not be instantly absorbed by the manufactures; a man was not easily transferred from the plough to the loom. The peasant was not readily converted into an expert and skilful manufacturer. There would be then an interval, in which this most moral (as it had been justly described to be) part of the community was to be consigned to indigence and idleness.

Thus, as it appeared to him, we could not at present, at least, depart from the system of policy we had hitherto pursued, without bringing on the state much public calamity, and imposing great and unmixed suffering on a considerable part of that portion of our population which was now employed in raising the national subsistence. He nevertheless must repeat, that the subject was full of difficulties; and it was not unnatural that those, who most agreed on other topics, should differ in their sentiments on this. For his own part, after the most mature and dispassionate consideration, it was his clear conviction, that we could not permit our agriculture to decline without tearing up the most sure and stable anchor of the power and independence of the country.

Sir *James Shaw* wished to repel, in the strongest manner, the charge made against his constituents and himself, of encouraging and exciting popular clamour and disaffection. The whole tenour of his life disproved this accusation. It had been said, that he had been guilty of misrepresentation in stating that if the present measure were allowed to pass, the loaf would rise to 16d. He held in his hand

the table from which the assize of bread was regulated in the metropolis. Looking at the nearest average price in London, he found it was 95s. when it was 80s. in the maritime districts, to this 11d. was to be added for salt, making on the whole about 96s. which gave the loaf at 15½d.; an allowance of half an assize, or another farthing had been since granted to the bakers, so that the loaf would be 15¾d. To point out the little confidence which was to be placed on the opinion of committees, he alluded to that which sat on the corn laws two years ago, and which recommended a protecting price of 135s. as absolutely necessary to save the farmers from ruin, whilst now they had come down to 80s. and declared the latter sum perfectly adequate to the necessity of the case.

Mr. Robinson, after passing a warm eulogium on Mr. Elliot's speech, adverted to the arguments of the hon. alderman who spoke last. From all he had said at different times, he collected his opinion to be, that whenever the aggregate average price of corn, in the maritime districts, should be 80s., it would be found, that the average price of wheat, to make flour in London, would be from 90s. to 95s. But those facts which the hon. alderman had stated, were no facts, and his inferences not true. By looking at the Gazette, which was open to all, it would be found, that during the identical years which he had mentioned, the aggregate average of the maritime districts was higher than that of London, and that during his own mayoralty, it exceeded that of the metropolis by 3s. 3d. He reprov'd the conduct of those who had presumed to say that the direct object of the measure was to raise the price of bread. If any one should convince him that it would have that effect, he would abandon it instantly; but it was intended, and he thought calculated to lower the price of corn, and to reduce the high rents. The more he had heard on this subject, the more he was persuaded that the measure was right in its principle and in its details.

Lord A. Hamilton asked, if the Bill in its effect reduced the price of corn, how it could have so beneficial an operation in upholding the agricultural interest? He had given the minutest attention to the subject, and the result of his investigation was, that its aim and object was to keep up the price of grain; in fact, if it had not this effect, he was at a loss to ascertain what could be

the cause of its introduction. The noble lord repeated his former observations upon this subject, and pointed out the close connexion between the present question, and the state of the currency of the country, and the artificial financial measures which were pursued by government. He admitted the existence of agricultural embarrassments, but he denied the possibility of their removal by the legislative protection which was proposed. In fact, they must extend it to other articles as well as corn, before they could reckon upon its consistent application. Above all, he condemned the Bill, because it made its appearance at the only period in which the public looked to a lower price of food, as arising out of the return of general peace.

Mr. Pole Carew said a few words in support of the measure.

Mr. Baring rose amidst a cry of "Question, question!" but the hon. gentleman declared, that notwithstanding the anxiety manifested to come to a decision, he felt it his duty to call for somewhat more of deliberation, and to state his sentiments upon this important subject. He should not, perhaps, at that stage of the discussion, have thought it necessary to trespass upon the attention of the House, if it were not for what had fallen from the proposer of this measure, or rather, indeed, if it were not for what had not fallen from that right hon. gentleman. For that right hon. gentleman had declined to state that about which, indeed, the House had not heard one word from any supporter of this measure, namely, upon what grounds it was thought necessary to agriculture, to fix the import price at 80s. The House had heard much with regard to the necessity of protecting the landed interest and promoting the prosperity of agriculture, but nothing had yet been stated to shew the necessity of fixing the price mentioned in the Bill. It was not sufficient, for the satisfaction of the House, or of the popular feeling, to deal in vague terms upon this important subject. It ought to be distinctly explained why the import price of 80s. was required for the benefit of the landed interest; and some such explanation was naturally to be looked for from the right hon. gentleman, who had not, however, said one word about it: but the right hon. gentleman, instead of explanation, and contrary to his usual practice, had, on this occasion, made up in vehemence for the want of argument, and

after some trifling criticism upon the statement of an hon. alderman, had thought proper to assert, that the object of the measure before the House was to reduce the price of bread. This assertion would not, however, serve to allay the popular complaints; for the same expedient was tried in vain upon the gaping multitude at Maidstone, by lord Darnley. But the subterfuge was too coarse to have any effect. It was, indeed, obviously absurd; for if the purpose and tendency of this measure were not to raise the price of corn, how could it be said to hold out the prospect of remuneration to the farmer? Why, he would ask, should gentlemen persevere in supporting such a measure if it promised no benefit to the farmer, while it was so alarming to the manufacturer, and excited such loud and general clamour through the country? The evidence would not bear the supporters of the measure out in their assertion, that the price which they required was necessary. The real state of the question was, that owing to the prolongation of the war and other circumstances, the agriculture of the country was in a state of distress, from which it must be as much the wish as it was the interest of every class of the community that it should be relieved. That relief should be, however, temporary; and then, by a gradual diminution of the price of labour, of the quantity of taxation, and of the amount of rents, the farmer would eventually be able to cultivate his land with advantage. But 'no,' said the supporters of the measure, 'we will not lower our rents; we will support our rents as they are, and the consumers of corn shall pay a higher price for it.' As to the argument deduced from the necessity of rendering ourselves independent on any foreign supply, it was valueless. In things of a more critical nature even than corn—in naval stores—we had seen, during the late war, every combination of effort resorted to, to prevent us from obtaining them; but without effect. What the legislature had now to determine was, whether or not the proprietors of land should make any concession (he did not wish for a considerable one), in order to enable the farmers to proceed advantageously with their tillage? If not—if by artificial means it was attempted to support the rents as they stood, the consequences, by slow degrees, would be these: in the first instance, a high price of corn would be maintained: by degrees this

would turn out of the country one branch of industry after the other; the population of the country would diminish, by the emigration of the people in quest of cheap food; the corn grown in the country would then certainly be adequate to its consumption; ultimately the agriculturist would find out his mistake, and corn would fall to a state of the greatest depression.

The *Chancellor of the Exchequer* begged leave to recall the attention of the House to the stage of the Bill which was before them. It was the second reading. They had not then to determine any question of price, or average, or duration, or any other question or detail. All that they had at that time to consider was, whether or not it was proper to adopt any measure at all on the subject; and he presumed, that however great might be the variety of opinions on particular points, all must admit generally that some alteration of the existing laws was indispensable.

Mr. *Whitbread* declared that he had listened with the utmost attention to all that had been said on both sides of the question, and that the result was a decided conviction in his mind, not only that it would be improper to legislate on the subject, but that great danger might be the consequence of legislating on it. He gave credit to the right hon. gentleman opposite (Mr. Robinson) for the way in which he had repelled some improper insinuations thrown on the motives of those who supported the measure; but he was surprised at the right hon. gentleman's conclusion, which was in direct contradiction to all that he had said before on the subject. If he understood the thing at all, the original proposition was not that rents were too high, but that corn was too low, and that it ought to be raised to such a price as to enable the farmer to cultivate his land with advantage, without reducing the landlord to the necessity of lowering his rents. But that night the right hon. gentleman had turned round, and had said, that he would not have brought forward the measure, had he not thought that a reduction in the price of bread would be the consequence, attended by the lowering of rents! Let the landed interest consider this—let the financier look to this—let him look to what must follow, the reduction of establishments, the reduction of assessments, the reduction of the occupation of the artisan, and a long train of attendant evils. As to what had been said of the petitions against the Bill, in his opinion

those petitions deserved notice in proportion to the number of the petitioners. To those who contended, that the people were not fit judges of the subject, he would reply, that they were much more competent judges of it than they were of theology, and yet it was well known that they had recently signed petitions in great numbers against the renewal of the doctrine of transubstantiation, and the establishment of the Pope in England! As to the popularity which might be obtained in the one way or the other, those who made popularity their object, would meet a fate similar to that of the boy who ran to discover the ends of the rainbow, and who experienced a ducking for his pains, while the gaudy vision vanished from his sight. He should have a bad opinion of the House of Commons, if he thought that on a subject like this they could be swayed by any wish to court popularity. But he would nevertheless advise them to remain where they were. If they did not do so, they would speedily be called on to legislate on a subject of still more difficult handling. If they adopted the proposed measure, and the consequence should be that in eight months corn should be at a very high price, would not the manufacturer have a right to come in his turn and require redress? And yet to grant a redress adequate to the necessity, would in that case be impossible. The fact was, that Parliament seemed to him to be emulating the philosopher in *Rasselas*, who fancied that the sun, the wind, and the rain were all under his control, and that at his pleasure he could raise a tempest or produce a calm. As for a temporary measure, that seemed to him to be the worst plan of all. He concurred heartily in the amendment proposed by his hon. friend.

Mr. *Robinson* explained. It was true he had said that in his opinion the effect of the Bill would be to lower the price of corn, not to raise it, and consequently to diminish the rents, but the rents to which he had alluded were those rents which had been raised very high, in consequence of the land-owners speculating on a very high price of grain.

Mr. *Huskisson* was afraid he must be counted among the number of those who were said to be divested of common sense. The effect of the measure was not a permanent rise in the price of corn; it might be to make it fluctuate between 70 and 80s. Looking at the changes of late years, when the price had been at 55s. and at

125s., could a price from 70 to 80s. be considered too high? It was the object to raise the price of corn, but not to make it permanently dearer. It was to give the consumer a lower price on a given number of years. If they could only prevent the recurrence of such a change of prices as had been seen, more would be done for the good of the poor than by any other legislative measure. What misery had been occasioned by a price so high as 125 shillings! The Bill provided the only remedy against high prices: it still kept the ports open, and no more could be done for times of scarcity. As to the petitions which had been presented on the subject, God forbid that the House should not pay attention to the petitions of the people. But it was their duty to weigh the arguments which those petitions contained; and having sifted them to the bottom, then to judge for themselves, and act according to the best of their discretion. It would not appear wonderful that the petitions should contain so much objectionable matter, when it was recollected that the ground of many of them was the statement said to have been made by the chief magistrate of the metropolis, who had declared that when wheat was 80s. a quarter, the quarter loaf would be 16d.—a fallacy so obvious that he would not occupy the time of the House by exposing it.

The House then divided on Mr. Lambton's amendment, That the Bill be read a second time that day six months:

For the Amendment..... 56

Against it .. ..... 218

Majority .....—162

#### *List of the Minority.*

Atherley, A.	Hammersley, H.
Atkins, ald.	Horne, W.
Abercrombie, hon. J.	Harvey, C.
Allan, col.	Harcourt, J.
Barclay, Charles	Jervoise, G. P.
Baring, A.	Lambton, J. G.
Butterworth, J.	Lefevre, C. S.
Buller, J.	Lubbock, J.
Babington, T.	Marryatt, Jos.
Bolland, Mr.	Madocks, W. A.
Calvert, C.	Murray, sir J.
Curtis, sir W.	Morland, S. B.
Davis, H.	Moore, P.
Dowdeswell, J.	Onslow, serj.
Estcourt, T. G.	Piggott, sir A.
Fawcett, H.	Protheroe, H.
Forbes, C.	Palmer, col.
Finlay, K.	Portman, E. B.
Gascoyne, J.	Philips, Geo.
Horner, F.	Ramsbottom, J.



Romilly, sir S.  
Robinson, A.  
Smith, C.  
Smith, W.  
Smyth, J. H.  
Smith, R.  
Smith, T. A.  
Simeon, J.  
Shaw, sir J.

Shaw, B.  
Taylor, M. A.  
Tierney, Geo.  
Whitbread, S.  
Wilkins, W.  
Williams, R.  
TELLERS.  
Lord A. Hamilton.  
Col. Gore Langton.

On the motion, that the Bill be committed on Monday, Mr. Baring moved as an amendment, that it be committed on Monday se'night. Upon this a second division took place:

For Mr. Baring's Motion.....	44
Against it .....	215
Majority.....	—171

The Bill was then ordered to be committed on Monday.

**MUTINY BILL.]** The House then went into a committee on the Mutiny Bill.

Mr. *Bennet* reprobated the indecent haste with which a measure of so much importance was precipitated.

Mr. *Fitzgerald* objected to the expression 'indecent haste,' which had been used by the hon. member.

Mr. *Whitbread* said, that if the expression had any application at all, it was to the noble lord (Palmerston), and not to the chairman of the committee of ways and means.

Lord *Palmerston* said, that when he should find it necessary to take lessons of decency, he would not, from the specimens which he had seen of the hon. gentleman (Mr. *Bennet*), think of applying to him.

Mr. *Bennet* would distinctly say, that he did not apply the expression to the chairman, but to the noble lord; and he repeated it, that the manner in which this business was attempted to be hurried through at that late hour of the night, was a most indecent act. He considered a bill which had the better government of the army for its object, to be a most important measure. How did the noble lord know that he would not pursue the same course as he had on former occasions when mutiny bills had been brought forward? Under these circumstances, he was determined that the Bill should not pass without his attempting to introduce some alteration.

Lord *Palmerston* wondered that the hon. gentleman had not taken an opportunity

of expressing his opinion on a former evening, when the Bill was read a second time.

Lord *Milton* said, the hon. member had perhaps, from the feeling of the moment, used stronger language to express his sense of what was doing than he otherwise would have employed.

Mr. *Manners Sutton* knew that it had been the intention of his noble friend to introduce no alteration in the present Bill, as it was for so short a period, and the subject was to come again so soon before the House. Nothing was intended insulting to the dignity of the House.

Lord *Proby* hoped the noble lord would not persist on going into the subject at that late hour.

Mr. *Whitbread* reminded the committee, that this would be the proper time to make any alterations in the Act.

Sir S. *Romilly* said, what was most objectionable was, that it happened merely by accident that any body had had an opportunity of proposing any alteration. This was the proper time, and not, as was proposed, a late period of the session. He did not wonder that his hon. friend had felt some indignation at the manner in which it was attempted to hurry through the Bill.

The *Chancellor of the Exchequer* said, there was nothing unusual in the proceeding of his noble friend—(hear, hear!)—and if any person thought it was unusual, it was from their not observing the orders of the day.

Lord *Palmerston* said, it had stood two days on the order book; and if any member wished to propose any alteration, and did not know of this order, he was grossly deficient in his duty. The next bill must of necessity be brought on in the early part of June, which could not be said to be a late period of the session.

Mr. *Bennet* wished to ask the *Chancellor of the Exchequer* if he conceived there was nothing unusual in bringing in a bill on one day at past 3 o'clock in the morning, reading it a second time at past 2 o'clock, and hurrying it through a committee about one o'clock?

After some further observation, the chairman reported progress, and the Bill was ordered to be recommitted on Monday.

## A D D E N D A.

*The Reader will please to substitute the following Speeches in the place of those inserted at the Pages referred to.*

**SUBSTANCE OF THE SPEECH OF MR. SERJEANT ONSLOW, ON TUESDAY, 22ND OF NOVEMBER 1814, ON MOVING FOR LEAVE TO BRING IN A BILL FOR MORE EFFECTUALLY SECURING THE LIBERTY OF THE SUBJECT.—See p. 426 of the present Volume.**

**Mr. Serjeant Onslow rose and said:**

**Mr. Speaker;** The motion which I now rise to make, has for its object, the improvement of the remedy by writ of Habeas Corpus in those cases of illegal imprisonment, which are not affected by the statute of the 31st Car. 2d, which is entitled "An Act for the better securing the liberty of the subject," but which is more generally known by the name of the Habeas Corpus Act. That Act, Sir, is confined to cases of commitment or detainer for criminal or supposed criminal matter, and leaves the remedy for all other cases of illegal restraint in the same inadequate state as it was previous to the passing of that Act: writs of Habeas Corpus originally only issued out of the courts of Chancery and King's-bench, except on behalf of persons entitled to privilege in the other courts; but the statute 16th Car. 1st, which was made expressly to regulate the proceedings of the privy council, and to abolish the Star-chamber, having mentioned the court of Common Pleas, as co-ordinate with the court of King's-bench, with regard to such writs, that Court has ever since issued writs of Habeas Corpus, in all cases of illegal imprisonment. The real benefits received in consequence of the statute 31st Car. 2d, and the interest excited by the great struggles that took place previous to its passing, have most likely occasioned a generally received, though most erroneous opinion, to prevail, that the remedy is now complete for preventing unjust and illegal confinement. My object, Sir, is to extend the principle of that Act, to all the omitted cases; I wish to give to all the courts in Westminster-hall in term time, and to all the judges of them, in vacation, the power to issue and enforce obedience to writs of Habeas Corpus in all cases of illegal imprisonment, and, although the return to the writ may show a legal cause of im-

prisonment, to give power to inquire into the truth of the facts stated in such return, and to do justice according to the result of such examination. The judges of the court of King's-bench have long exercised a power of issuing writs in such cases in vacation, but have no power to punish, in vacation, disobedience to their writ; indeed, that power is even omitted in the statute 31st Car. 2d.—The court of Chancery has been stated by very great authorities to possess the power of issuing such writs in vacation; but lord chancellor Nottingham, in the well-known case of 'Jenks,' refused to issue the writ in vacation; no precedent, notwithstanding the most diligent researches, being found to warrant the application. In the cases of infants and of lunatics the lord chancellor does interfere for their protection in vacation, but that is not by means of the writ of Habeas Corpus at common law, but in consequence of the especial power delegated to him in those cases.

But the defect I chiefly wish to remedy, is the want of power to examine into the truth of facts stated in the return to a writ of Habeas Corpus. Can it, Sir, be endured that a return valid in law, though utterly unfounded in fact, shall be conclusive as to the discharge of the prisoner? An action certainly lies for a false return; an action against the person in whose power the injured party is detained, and who can in the great majority of cases, where the writ is sued out, send him to distant parts of the world, and into the most pestilential climates! Sir, unless a speedy remedy is given in such cases, the injured party is absolutely remediless; and in no case can a compensation in money, be an adequate compensation for the loss of liberty. Sir, in the year 1758, a bill to remedy these evils was introduced into this House by sir John Cust, who afterwards filled that chair, the dignity of which you so eminently support; it passed this

House after very acrimonious debates, but was rejected, and I think properly rejected in the House of Lords; I think it was properly rejected because it went far beyond the mischiefs complained of, and instead of enlarging the powers of the judges, tended to degrade their judicial functions: and, Sir, it was not rejected until after very strong debates; and so much violence was produced by the discussion, that two noblemen, who at different periods of their political lives were most closely connected (lord Temple and lord Lyttleton), were required by the House to declare upon their honour, "that they would not pursue any further resentment upon the occasion of the words that had passed between them."\* It is mentioned, Sir, by a cotemporary writer, as a circumstance almost miraculous, that lord Mansfield spoke for near two hours and a half in the course of one of the debates; a circumstance you, Sir, would now think by no means extraordinary. Whilst the Bill was pending in the House of Lords, ten questions were, on the motion of lord Hardwicke, ordered to be put to the judges; on their application, they were excused answering one of the questions; but the remainder were answered by ten of the judges: lord Mansfield being a peer, of course did not answer as a judge, and Mr. Justice Foster was prevented by a domestic misfortune from attending.—The only question to which I find it necessary to draw the attention of the House, is the following: "Whether, in all cases whatsoever, the judges are so bound by the facts set forth in the return to the writ of Habeas Corpus, that they cannot discharge the person brought up before them, although it should appear most manifestly to the judges, by the clearest and most undoubted proof, that such return is false in fact, and that the person so brought up is restrained of his liberty by the most unwarrantable means, and in direct violation of law and justice?"—By the answers of the judges to that question it clearly appears, that although the judges

did not conceive themselves precluded from discharging the person brought up before them, if it should appear manifestly to them, by the clearest and most undoubted proof, such as a verdict of a jury or judgment on demurrer, or otherwise, in an action for a false return, that such return is false in fact, yet that they were of my opinion, that in case the facts returned to a writ of Habeas Corpus shewed a sufficient ground in point of law for such restraint, that the court or judge before whom such writ was returnable, could not try the facts contained in such return, by affidavits. Although, Sir, Mr. Justice Foster was unable to attend and deliver his opinion, it appears, from the history of his life, written by his nephew, Mr. Dodson, that he took a very strong interest in the question; he seems particularly to have felt the inadequacy of the law to afford protection, where a return is made good in law, but false as to the facts contained in it. In his correspondence with lord chief baron Parker (which is included in his life), he dwells much on that defect, and alluding to the remedy by action for a false return, he observes, "An inadequate ineffectual remedy is no remedy;" the lord chief baron in answer says: "As you agree to the general principle that the return to a writ of Habeas Corpus cannot be contradicted in that proceeding, so I must confess, that your reasons are very strong to shew the present to be an adequate remedy; but I am afraid, that the parliament only can apply a more effectual remedy." Sir, although lord Hardwicke opposed the Bill I have mentioned, yet so strongly was he impressed with the conviction, that the law ought not to remain as it was, that he moved that the judges do prepare a Bill to extend the power of granting writs of Habeas Corpus *ad subjiciendum* in vacation time in cases not within the statute 31st Car. 2nd, chap. 2nd, to all the judges of his Majesty's courts of Westminster, and to provide for the issuing of process in vacation time to compel obedience to such writs, and that in preparing such Bill the judges do take into consideration, whether in any and what cases, it may be proper to make provision, that the truth of the facts contained in the return to a writ of Habeas Corpus may be controverted by affidavits or traverse, and so far as it shall appear to be proper, that clauses be inserted for that purpose: and the House of Lords made such order in obe-

\* For an interesting account, by Dr. Birch, of the Debate in the House of Lords, May 9, 1758, on this Bill; and also for a Paper, intituled, "Heads of Objections to the Bill for extending the Habeas Corpus Act," copied from the MS. notes of lord chancellor Hardwicke, see New Parliamentary History, vol. 15, pp. 897, 923. See, too, p. 871 of the same volume.

dience to that order the judges did prepare a Bill. Why such Bill was not proceeded on, I have not been able to learn; but I do know that those who have the best opportunities of observing the present defective state of the law, much lament that it was not passed into a law. That Bill is the foundation of my present proceeding: there is no essential difference between that Bill, and the one I now move for leave to bring in. The provisions of the present Bill are, that where any person is restrained of his or her liberty, otherwise than for some criminal, or supposed criminal matter, and except persons imprisoned for debt, or by process in civil suit, within England, Wales, Berwick-upon-Tweed, the Isles of Jersey, Guernsey, or Man, it shall be lawful for the Lord Chancellor, or any of the justices of the court of Common Pleas, or of the barons of the Exchequer, as well as for any of the justices of the court of King's-bench, to award in vacation time, a writ of Habeas Corpus returnable immediately; that non-obedience to such writ shall be deemed a contempt of the court under the seal of which the writ shall have issued, and be punishable as such in vacation time; that the said justices, or barons, may make writs of Habeas Corpus, issued in vacation, returnable in court in term time; and that the courts may make such writs issued in term returnable before a judge or baron of the same court in vacation; that although the return to a writ of Habeas Corpus shall be sufficient in law, the lord chancellor, justice, or baron, before whom such writ may be returnable, shall and may proceed to examine into the truth of the facts set forth in such return, and into the cause of such confinement or restraint, by affidavit, or by affirmation (in cases where an affirmation is allowed by law), and shall do therein as to justice shall appertain; and if such writ shall be returned before any one of the said justices or barons, and it shall appear doubtful to him on such examination,

whether the material facts set forth in such return or any of them be true or not, that such justice or baron may discharge the person so imprisoned, on a recognizance to appear in court in the following term; and that the court shall proceed to examine concerning the discharging, bailing, or remanding the prisoner, either in a summary way by affidavit or affirmation, or by directing an issue or issues for the trial of the facts set forth in such return, or any of them;—that the like proceedings shall be had in court, when the writ was awarded by the court and returnable therein, and the same power as to awarding issues is given to the lord chancellor. There is also a clause in the Bill, that the provisions of it touching the making writs of Habeas Corpus issued in vacation returnable into court, and for making such writs when awarded in term-time, returnable in the vacation, and also for awarding process of contempt in vacation against persons disobeying such writs, shall be extended to writs of Habeas Corpus awarded in pursuance of the statute of Car. 2, "for the better securing the Liberty of the Subject." The want of the last-mentioned power has been severely felt. Sir, I have not included either Scotland or Ireland in the Bill:—the laws of Scotland are fundamentally different from those of England, and an Act already exists there for the protection of personal liberty;\* if that Act is deficient, I see several of my hon. and learned friends, natives of that country, who are competent to amend it; the laws of Ireland, are essentially the same as those of England. But I do not conceive myself possessed of sufficient knowledge of the practice of the Irish courts of justice to legislate for that country. Sir, I move for leave to bring in a Bill 'for more effectually securing the liberty of the subject.'

\* Act 'against wrongous imprisonment,' passed in the reign of king William.

SPEECH OF THE RIGHT HON. WILLIAM FITZGERALD, JULY 1, 1814, ON BRINGING FORWARD THE IRISH BUDGET.—See Vol. XXVIII. p. 493.

The House having resolved itself into a committee of Ways and Means,

Mr. William Fitzgerald said, he rose pursuant to the notice which he had given,  
(VOL. XXIX.)

to call the attention of the committee to the consideration of the state of the finances of Ireland. On the only preceding occasion when he had the honour of bringing

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this subject forward, he had felt strongly the embarrassments and difficulties which attended the task he had to perform. These difficulties and embarrassments were now so far from being diminished that they were rather aggravated, by the amount of the burthens which it was now his duty to propose. It was painful to him to be under the necessity in the present year, the commencing year of peace, to be compelled to impose fresh taxes upon the people of Ireland, at a time when parliament had been enabled to relieve Great Britain from similar burthens. If the difficulty which he had to encounter was, in one point of view, increased by the nature of the system which had been adopted with regard to the finances of Ireland, and by her not being called upon to bear various taxes which were imposed upon Great Britain, on the other hand, a certain degree of benefit was derived from that remission of burthens which she would otherwise have been called upon to bear, because she was by that exemption enabled to support those additional burthens which it now became necessary to impose.

Having made these preliminary observations he should now proceed to state to the committee the amount of the supply, and of the ways and means by which he meant to meet it. The first article was the deficiency of contribution of 1813, amounting to 4,466,471*l.* The next was the estimated quota of Ireland for this year, amounting to 8,782,689*l.* The interest of the present debt, with the sinking fund, was 5,546,299*l.*, making altogether a total of 18,795,455*l.* He would next submit to the committee the state of the consolidated fund. The balance in the Treasury on the 5th January 1814, was 1,383,758*l.*, and there was remaining a balance of the loan of last year, made in this country 2,953,147*l.*, making together 4,336,905*l.*, from which deducting the arrears of the principal of outstanding Treasury-bills and Lottery-prizes, 28,480*l.*, and of Inland Navigation 69,596*l.*, making together 98,076*l.*, there would remain as the surplus of the consolidated fund, 4,238,829*l.*—The total of the supply the committee would recollect he had stated was 18,795,455*l.* Irish currency, and he would now state the ways and means by which he proposed to cover this supply. The surplus of the consolidated fund he had stated as amounting to 4,238,829*l.* The revenue he estimated at 5,350,000*l.*

The profit on Lotteries he took at 120,000*l.* The balance due for Seamen's wages advanced, 71,000*l.* The proportion belonging to Ireland upon the sale of Naval stores being 2-17ths of 576,351*l.*, was 73,456*l.* The loan made in Ireland was made for 3 millions, and that made in England 5 millions and a half, or, in Irish currency, 5,958,333*l.*, making the total of the ways and means to cover the supply 18,811,618*l.* The charge upon the loan made in Ireland, (and he was happy to say that there never was a loan made, under any circumstances, upon terms more favourable to the country,) was 5*l.* 11*s.* 9*d.* per cent. amounting to 167,625*l.*; and the charge upon the loan contracted in England which was at the rate of 5*l.* 18*s.* 9½*d.* per cent., was 353,900*l.*, making together 521,525*l.*, which was to be provided for.

Before he proceeded to enumerate the duties and taxes which he meant to submit to the committee, to cover that sum, he felt himself authorized to state the view under which he should propose his resolutions to the House. The committee were aware that by the Act of Union, a power was given to the united parliament to review the provisions of that Act, as far as they related to the state of the finances of the two countries, and to make such arrangements respecting the debt of both, as might, under all the circumstances, be deemed advisable. Without going into all that extent of observation, to which the consideration of that subject would necessarily lead him, he might be permitted to state, that it was one of the utmost importance, and to repeat what he had said upon a former occasion, that it was one which could not be effected till parliament could be enabled to take a general and comprehensive view of the finances of both countries. He had expressed his hopes, on a former occasion, that the next time he opened to the House the state of the finances of Ireland, he should have to call the attention of parliament to this most important subject; and he had the satisfaction of knowing, that what he had then said had met with the approbation of those public men who had turned their attention to this subject: but the committee must be aware, that this was a subject of so much importance, and embracing so many considerations, that it could not be taken up with too much deliberation.—Whatever anxiety he might have felt to bring this subject forward,

yet he was prevented by one cause, which weighed much in his mind, and which he had no doubt would have great weight with the House. He did not think it would have been right to have called the attention of parliament to this subject during the absence of his noble friend (lord Castlereagh), who was employed upon a great public service, and which he had executed in a manner so honourable to himself and so glorious for the country.—He did not, he said, think it right to take up so important a measure in the absence of his noble friend who was the minister for Ireland at the time the great measure of the Union was brought forward and completed; and he was happy to say, that no great inconvenience would result from the delay. With this view of the subject, he had felt it to be his duty to take care that the resolutions which he had now to propose, should be of a nature to lead to, and prepare the way for the future consolidation of the finances of the two countries. It would be necessary, before such an arrangement of the finances of the two countries as that which he had alluded to could be proposed and effected, that Ireland should have made all the exertions in the way of finance that was in her power, and that she should have been brought into a state of taxation upon those articles which might be deemed luxuries, corresponding, as near as the situation of the two countries would admit, with that of Great Britain. There were indeed amongst those articles to which he should be driven, some which could not be considered as luxuries; they were in Ireland of prime necessity, and he only lamented that still greater national necessity which obliged him to recur to them as a means of supply: when he (under the general head of customs) came to propose, for instance, the augmentation of the import duty on deals and timber, he knew he should be told of the severity with which such a duty must press upon the people; he saw, however, no alternative; and gentlemen would bear in mind that, on the same principle as in this country, the produce of our American colonies would be still admitted almost duty-free; so that upon the restoration of those pacific relations with the United States, which the magnanimity of the parliament and the people of England had always in despite of American provocation continued to desire, we might expect to receive the necessary

supplies of those articles at a reduced rate, while in the advantage derived to the native and the shipping interest, we must be considerable participators. Thus though some objections might be made to the detail of the resolutions which he should have the honour of bringing forward, yet he felt satisfied that upon consideration, the principle upon which those resolutions were founded would counterbalance any objection that might be urged against them. The first resolution he should have to propose would be for an equalization of the custom duties of Ireland to those of England. The supply of last year had, to a certain extent, been provided for by an increase of the duties of customs; for he had felt it to be his duty, when his right hon. friend proposed to augment the custom duties in England, to make a similar proposition with regard to Ireland; and accordingly the duties had been increased, in some instances, twenty-five per cent. Although he had not had the good fortune, in those resolutions which he had brought forward last year, to meet with the concurrence of some of the gentlemen on the other side of the House, yet he was sure that they would be glad to learn that their predictions respecting the produce of these duties had not been accomplished. He was sure that they would be more pleased to learn, that he should be right in his estimates rather than that they should. There was not one of the duties then proposed which had not answered beyond expectation. He thought, therefore, that the grounds which he had stated would dispose the committee to concur in the resolutions he should now propose; for, though he was quite convinced that there were strong reasons why Ireland should be exempted from some sources of taxation, to which Great Britain was liable; yet with respect to the duties of customs, he saw no reason why any difference should subsist, even if no arrangement was ultimately to take place. It would be, he felt, but candid in him to state that he meant now to bring under the custom duties many articles which were not subject to them before, and articles, too, which were employed in the manufactures of Ireland; but he should accompany his proposition with regulations, which he trusted, would remove the fears of those who were most anxious about the state of those manufactures. There were several articles now exempted from duties, such as ashes, barilla, dye-

stuffs, &c.: now every gentleman acquainted with Ireland, knew that great quantities of those articles were imported, not for the use of the manufactures, and consequently the revenue suffered in proportion. He should therefore propose, that the duties should be the same as in Great Britain; but with a full drawback upon such as should be employed in the linen manufacture; and he should be happy to receive any suggestions that would enable him to make the drawback to the manufacturer as complete as possible. He estimated the increase of customs at 200,000*l.*

The next head of provision to which he should call the attention of the committee, was that of the distilleries. After the long and almost hostile discussions which had taken place on the subject of Irish spirits in the last and preceding nights, perhaps the hon. chairman would recoil at the mention of this article. But he looked to it as a principal source of supply; and he felt that he could do so, not only without trenching upon the interests of the Irish manufacturers, but he was happy to say, that he proposed the increase which he was about to offer, with their entire concurrence. It was satisfactory to feel that, whether effectual or not for that object, they, in concurring in it, and he in recommending it to parliament, were mutually facilitating that intercourse in the spirit trade which, upon every ground of national policy, upon every argument of imperial and collective interest, on every principle of pledged honour and public faith, could not be permanently interrupted. It would be a strong recommendation of the measure, which had already been sanctioned by that House; that while contributing to our revenue, it would prevent, as he sanguinely hoped it would, that system of smuggling which it had been said had prevailed so universally, and which he feared had prevailed, though not to the degree which had been stated. The Bill which had passed the House of Commons, had imposed upon all the stills in Ireland an increase of 25 per cent. on their present charge, making the charge in a 1700 gallon still amount to 90 doublings within the month, instead of 72. It was right to state, that in the Bill which had passed there was an omission with respect to one class of the smaller stills, which had proceeded on a wrong calculation; this however, he should propose to rectify in the Excise Regulation

Act now before the House.—The right hon. gentleman here stated that this, though under the name of regulation, was in fact a new duty. It was a duty which the trade was well able to bear, and he did not hesitate to state that it would be productive. The estimate made in the former amount of work would yield, on this increase, a revenue of 469,000*l.* exclusive of the increase on small stills; but he was disposed to take it more safely at 300,000*l.* per annum; and that we can now impose this great increase of duty, for such in fact it is, not only with the concurrence of those most interested, but with the confession and evidence which we have before us, was produced by that ridiculed measure to which so much allusion has been made, by which only half duty was charged on the distiller for the excess produced, and by which he had a direct interest to declare his capacity of work. He estimated the real charge at 300,000*l.* per annum.

Another head of provision was founded on certain new stamp duties. The measures which he should propose with respect to the stamps were two-fold; namely, regulation of the present duties and a new duty, which, both as a source of aid to the finances as well as a measure of good policy, he should venture to recommend. With respect to the first, a Bill which he had had the honour of introducing, and which had already received the sanction of the House, was intended to insure the better collection of the duty on legacies in Ireland. It was not unknown to those who had sat often in those committees to whom the consideration of the Irish finances had been referred, that the duties in this respect had been hitherto almost unproductive. He would not impute this to the defects of the former law alone, although that law was most imperfect; but he hoped that both by the regulations of that Bill which the House had concurred in, and by that departmental system which certainly, while he had the honour of serving the Crown, he should deem it his duty most inflexibly to enforce, there will be a very considerable augmentation of the stamp revenue. The Bill in question had been prepared with some little variations, which the circumstances of the country had made necessary, on the model of that which had been passed in England; and which, as carried into execution by that office, at the head of which Mr. Campbell was placed, had been so effective in the collection of a

revenue beyond even the calculation of those who had originated it; he should take this opportunity of saying, that he had been greatly indebted to that officer for the assistance he had received in its preparation. On examination, gentlemen would find, that not only the rate of annuities had been distinguished in the Irish Act, but that the calculation on them had been made at 6 per cent. on account of the difference of the legal interest of money in Ireland and Great Britain.

To his next proposition he did not anticipate much resistance; the principle of it was not a new one, though the application of it might be. It was one which might be recommended on good, and he was about to say, on patriotic grounds. He would suggest that a stamp duty should be imposed upon all letters of attorney, empowering persons on the part of the holders of landed or funded property, to receive the rents and profits of the same; with respect to the proprietors of landed estates, to those who enjoyed great possessions, the impost would not be onerous, perhaps it could be hardly felt; with regard to the lesser proportions, if the result (and he did not anticipate that it could be in any degree, except with respect to that class) were to do away that horde of rent proctors which existed in his country, if he might be allowed the expression of rent proctors, (one well understood by some who then heard him); if, instead of the intervention of that petty agent, who was employed in Ireland almost universally, he might say even by the resident landlord, if such were the result of his proposition, as applicable to them, he would not regret that so far his plan would be unproductive. If by a financial regulation he could approximate the tenant to the soil, if even by motives of no great dignity or character, but which yet were seldom without their influence on the human mind, he contributed to an end so desirable, he should not consider this plan as inoperative; nor would parliament regret to find, that when they were legislating professedly with other views—and indeed the great considerations of public policy and public peace were too intimately connected, and too interwoven, to be separated even from those which they were to discuss this day—parliament would not regret to find that it had been, at the same time, promoting those great objects of internal improve-

ment and satisfaction, which the peculiarity of the state of Ireland called for, while they were at the same time aiding that supply which Ireland was bound to raise, not only without invading the sources of her prosperity, but, in fact, while they were contributing to cherish and improve them. As to the application of this measure to funded and other property, it was more for the sake of assimilation of principle, and because he saw no reason why it should be exempted, than because he looked to any political result from such an application. The amount of dividend on funded property in Ireland, which was received by such powers of attorney, was probably not considerable; still, upon any ground, it should be made available to the service of the state; and it was to be recollected that the proprietors of it, in that character at least, did not contribute to the exigencies of the public. He begged leave to state, that the amount which he should propose of duty on the cases he had referred to, would be, as on every principle it ought to be, commensurate, in some degree, with the value of the property received. He should recommend a stamp of 1*l.* 10*s.* on the power of attorney, and one per cent. progressively on the value received above 60*l.* this being similar in principle to the existing stamp *ad valorem* duty on leases. If he was warranted in the view he took of this part of his subject, if the principle upon which he recommended it to parliament were a fair and just principle of legislation, if it were productive of increase to the already burthened resources of the state, or if, what he might be permitted to anticipate, it were found to yield those still better fruits, which he had stated to be likely to grow from it, any merit which belonged to it would be the portion of a right hon. baronet opposite, who had done him the honour to suggest its adoption. How parliament might deal with his proposition he presumed not to say; but if it should appear either to this House or the public as one which ought not to be acted upon, he was willing to admit, and sincerely to believe too, that any objection arising to it would be owing to the imperfection of his statement, or to some deficiency in him who has brought it before the committee; and any merit which might belong to it he should be most ready to ascribe to the right hon. member from whom he had received a suggestion, which, if it had



been recommended with the advantage of his experience and authority, the committee would perhaps be not indisposed to receive more favourably, and with more indulgence than he could hope to be extended to himself, who had not the same pretensions to public confidence, or to authority in that House. He estimated the produce of the duty at 15,000*l*.

The right hon. gentleman proceeded to say, he contemplated some regulations with respect to game licences, on which there would be a small increase, and also as to the notes of bankers. With regard to the last, he would not detain the committee, as it was intended now to remedy the imperfections of former acts, and to do away misconstructions, under which a lower rate of duty had been paid than was intended by the act of parliament. Of this some persons had taken advantage. The error principally grew out of an omission of the words 'British currency,' in one of the former Stamp Acts. Another source of revenue was, already before this honourable House—the excise duty on plate glass, the produce of which he took at 15,000*l*. The next item he came to, was a proposed alteration in the rates of postage on letters conveyed by mails in Ireland.—Though he anticipated an increase in this branch of revenue, by the regulation which he should have the honour to submit, he confessed that his principal object, as well as its best result, would be to reform a system which, since the period of the establishment in 1784, had continued defective. Since that period up to the last year, the highest rate of postage had been imposed on the conveyance of letters 80 miles from the metropolis. The correspondence of towns at that distance was charged as heavily as that of towns four times as far from each other; in addition to which a heavy rate of duty was imposed, a rate beyond all proportion, on correspondence passing through the capital. The committee would not fail to observe how oppressively this fell upon the distant parts of the country, and indeed upon all those parts, whether distant or not, where correspondence was necessarily to pass through Dublin. It fell, however, most heavily on the correspondence of the south of England, and of the northern part of Ireland, passing through Dublin; and when the locality and circumstances of our principal com-

mercial cities was considered, he apprehended that he was only doing an act of fairness, he was sure that he was doing that which, as a regulation of revenues, was beneficial also, when he recommended the diminution of that heavy transit duty. He proposed to reduce it about one-third. The rate of taxation would also now be taken on letters upon the same principle as in this country; it was intended to be progressive according to distance. In Great Britain, the utmost extent charged was three hundred miles; up to that scale the rate was, as he had stated, proportional. It was not intended, in Ireland, to go beyond that scale; but an advantage would be gained to the correspondence, not only by the greater distance which would be embraced in 300 Irish miles, but in the difference also of that currency in which the charge was made. He would further propose to adopt the same principle respecting the cross posts which he had recommended in the last session of parliament with regard to the direct post, namely, the diminution of the rate on all places near to each other; and in fact to carry forward the same regulations throughout. He had the satisfaction to state, that the arrangements which he then proposed, had been attended with the best results. He never would consider the Post-office as otherwise than auxiliary to the revenue. It ought never in principle to be made subservient to mere financial views; the regulations, however, of the last years had more than answered the estimate he had made of their produce, even in that view. But they had besides added to the general intercourse, and augmented the correspondence throughout the country. He had the satisfaction in reflecting on the improved state of the whole of this establishment to know, that in the conduct of it every facility, and all improvement, had been given to general intercourse; and those great works for which Ireland was indebted to the liberality of parliament, namely, the commodious station for packets at Howth, and the improved communication from the works in the port of Waterford, for which a grant of money had been voted in the present session, would, he should hope, not be unproductive of those results which their authors had contemplated, and which the House of Commons had with equal judgment and liberality contributed to promote.

He would now, with the permission of the committee, state the produce of the taxes for the two last years :

CUSTOMS...1812.....	£. 2,744,425
1813.....	2,749,067
EXCISE....1812.....	2,455,686
1813.....	2,555,874
STAMPS....1812.....	745,678
1813.....	782,832
POSTAGE...1812...	214,678
1813.....	220,058

The Net Produce was—

CUSTOMS..1812.....	2,157,591
1813.....	2,280,262
EXCISE....1812.....	2,015,343
1813.....	1,997,537
STAMPS....1812.....	679,285
1813.....	724,353
POSTAGE...1812.....	86,890
1813.....	96,000

1. The net produce of Assessed Taxes had been	
1812.....	£. 500,150
1813.....	523,451

The Gross Produce—

	Malt.	Strong Waters.
1812	£. 304,513	£. 1,021,454
1813	533,225	813,332

Of these the produce for the Quarter to the 5th of Jan. was £. 204,462 535,888  
And the distillery was at work not quite 3 months.

He would now proceed to compare the estimated amount of the Taxes, as he had stated them last year, with their actual produce.

He had estimated the produce of Customs with Excise on Tobacco and Wine at .....£. 260,000

The actual produce was—

In 7½ months, from 17th May .....	196,000
Estimate of 4½ Months .....	98,000

£. 288,000

Giving an excess of..... 28,000

He had calculated the duties on Malt (3s. per barrel) would give £. 115,000

Actual produce in the Quarter to 5th Jan. 1814, was ..... 60,000

Estimated produce for three months in the commencement of the year, taken from the actual produce of the quarter to 5th of April, 1814, ..... 70,000

£. 130,000

Estimated for other two months, making the Malting year eight months,..... 40,000

£. 170,000

Giving an excess of £. 55,000.

He had taken the duty on Spirits (6d. pr. gallon) at ..... £. 110,000

The actual produce had been from 13th October 1813, to 5th January 1814... £. 48,574

Estimated produce for three months in the commencement of the year taken

from the actual produce of the quarter to 5th April, 1814 ..... 58,000

£. 106,574

Estimated for other three months, making the Distillery year 9 months...  
The latter three months not equal to the former..... 40,000

£. 146,574

Giving an excess on the estimate of..... 36,574

His estimate of the Assessed Taxes was.. 110,000

No collection had been made thereon in the year by the Act, but those Taxes having on the old rate produced 380,600l. the produce must be..... 95,000

And will be considerably more than the estimate in this and ensuing years.....

The alteration of the rates of Postage, he had expected to produce..... 15,000

The actual produce was in 7½ months... 9,500

Estimated for 4½ months..... 5,700

£. 15,200

The Leather duties he had taken at..... 5,000

Their actual produce in 7½ months had been..... 5,500

Estimated for 4½ months..... 3,300

He calculated on their giving.. ..... £. 8,800

Exceeding the Estimate..... £. 3,800

The gross amount of Customs in the year ended 5th January, 1814, was..... £. 2,790,409

The average of the three preceding years was..... 2,474,080

Increase..... £. 316,329

In this branch, notwithstanding the augmentation of the Duties, there had been a progressive increase, viz :

1811...£. 2,204,000	1813...£. 2,779,000
1812... 2,438,000	1814... 2,790,000

The articles upon which an increase arose in 1813, were rum and tobacco. The articles upon which a decrease occurred, were coals, refined sugars, salt, and tea, none of which articles had additional duties imposed on them in 1813. A false opinion had gone abroad, that the increase in the duties on wines had caused a decrease of the revenue ; so far from this being the fact, the aggregate amount of duty received on wines in 1813, exceeded that in 1812. Apparently, there was a falling-off in the customs upon French wines ; but this was accounted for in consequence of the revenue in 1812 having been swelled to a greater amount than the consumption of the year called for, owing to the conditions of the licences in that year having stipulated that the duties on French wines, imported under such licences, must be paid at the time of the importation thereof. And although the present rates on wines are three times as high as

they stood previous to 1793, the customs on wines, in the three last years, exceeded the amount of the three years to 1793 in the sum of 380,000*l.* This he considered a great proof of the increased wealth and prosperity of the country. But if it were the fact that the revenue on wines had decreased, the assumed deduction would not hold good. It was not true that the increase of the rates had reduced the revenue. The gross amount of the revenue had been considerably augmented upon the entire consumption of malt, of spirits, and of wines, collectively; and this is the only fair view, that ought to be taken to arrive at a just conclusion on the question. The following is a true statement of the aggregate revenue upon the consumption:

	Wines.	Spirits, Foreign and Home- made.	Malt.	Total Revenue on Wines, Spirits & Malt.
	<i>£.</i>	<i>£.</i>	<i>£.</i>	<i>£.</i>
In the three years, 1790, 1791, and 1792.....	439,000	1,114,000	415,000	1,968,000
In the three years, 1811, 1812, and 1813.....	915,000	3,181,000	1,207,000	5,303,000
Incr. in the latter period .....	476,000	2,067,000	792,000	3,335,000
Average Annual in- crease .....	158,000	609,000	264,000	1,111,000

The right hon. gentleman took a view of the trade and navigation of Ireland. The result of this was highly satisfactory.

In the 12 years to 1801 the official  
value of Exports was..... *£.* 56,155,000  
12 years to 1814, ditto..... 68,774,000

Exceeding 12,619,000

In the 12 years to 1801, the value of  
Imports was... .. 53,336,000  
12 years to 1814, ditto ..... 80,720,000

Exceeding 28,384,000

In the 12 years to 1801, the number  
of ships entered inward was ..... 88,336  
12 years to 1814, ditto..... 107,505

Exceeding 19,169

Their tonnage was,  
12 years to 1801. .... 7,818,600 Tons.  
12 years to 1814..... 10,006,400

Exceeding 2,187,800 Tons.

In all the articles of native produce exported, there had been considerable increase in the year 1813 over former years. It had been complained, that the financial exertions of Ireland had not been so great as they ought to have been; but he would take upon himself to say, that since the

Union they had been greater than those who were at that time most sanguine in their hopes had ever expected from her. To give the committee a proper idea of what she had done, he would contrast the total amount of her expenditure in the 13 years before the Union, with the 13 years which had passed since. Including in the thirteen years preceding the Union two years of extraordinary expense, when the country was in a state of disturbance, (which God forbid should ever recur again!) the total expenditure amounted to 39 millions, and in the 13 years which had followed, the expenditure was upwards of 116,000,000*l.* The actual receipt of revenue for the 13 years before the Union was 19 millions; and for the 13 years since the Union, above 50 millions.

Having concluded his statement of the ways and means, he had only to express his hope and confidence that the estimates which he had submitted to the committee would prove to be as well founded as those which he had submitted last year. He, however, felt himself bound in candour to notice a reduction of the revenue, which he should propose in the course of a few days; it was the tax of 3*s.* imposed upon houses not paying other taxes. The total amount of house-tax was about 24,000*l.* and the reduction would be about one-third of that sum. If in any part of this statement he had not made himself clearly understood, he should be happy to give any explanation in his power. He concluded with observing, that in congratulating the committee upon the result of the measures proposed last year, he was not actuated by feelings of a personal nature; but it was a subject of great satisfaction and exultation, to witness the progressive increase of the prosperity of Ireland. On the only former occasion, on which it had been his duty to bring under the consideration of parliament the general state of Irish resources, he had expressed that opinion to which he still adhered, namely, that it was mainly owing to the system on which we had acted with respect to Ireland, that she had increased as she had done in these resources, and had advanced so rapidly, in despite of the comparative augmentation of her burthens, to wealth and to prosperity. He had then cautioned the House not to press too strongly on these nascent sources of our strength; whilst those who judge from the example of England, might erroneously think that we were able to breast those

difficulties under which any country but England must have succumbed. I then laid before you, said the right hon. gentleman, what Ireland had done; I did not conceal from her the sacrifices which she would be called upon to make; I expressed that hope which parliament has fulfilled—a hope that would not anticipate the resources of Ireland, for if you anticipate, you crush them. I presume to say, that in the propositions which I lay this day before you, I give no indistinct evidence of a disposition to meet the difficulties of our situation, of a desire not to shrink, through any personal feelings, from the imposition of such burthens as I think the country is able to bear; and if, Sir, at the close of this long, eventful, and triumphant war, in which Britain has made such sacrifices, and in which Ireland has contributed such as were corresponding to her means; if England has set a splendid example to surrounding nations, her sister island has been far from backward in those exertions, by which our national character has been raised to its present proud pre-eminence.

Let us not be told, then, that we have been a burthen to the empire, to whose success we have contributed so mainly; this House will not forget how Ireland has manned your fleets, and how much your military renown has been added to by her; you have this very day received within your walls, the most illustrious of her sons.—(Hear, hear, hear!)—You owe to Ireland, that great Captain who has led you to victory. I will not speak of any one who may be present, for my noble friend is present, under whose auspices that great Treaty has been accomplished, which has sheathed the sword of war, and by which convulsed Europe has been restored to her ancient and regulated form (Hear, hear!)

—Full well my noble friend knows how much, in the contest which has just been terminated, our country has done for the common cause—(Hear, hear!)—and if further testimony were wanting, he, Sir, who within these walls to-day received the highest meed of honour, the coronation even of a fame like his, our own Wellington could have told you, how in the fields where he commanded, Ireland has bled,—he might have told you in the language of one of her own eloquent men, that Ireland had opened her heart-slouices in your cause; and if Britain justly glories in the battle she has fought, Ireland has a right to participate in her triumph. (Hear, hear!)

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In reply to the observations of sir Henry Parnell and sir John Newport,

Mr. *Fitzgerald* said, he was highly sensible of the liberal manner in which the hon. gentlemen opposite had received the propositions which he had the honour to submit. He felt deeply the kindness of the committee, and would not be so ungrateful in return, as to trespass long on their time, after the attention with which they had already favoured him. He hoped he might be permitted to consider the information of his right hon. friend (sir John Newport), and the observations which he had made on the public departments in Ireland, rather as notices of intended proceedings in another session of parliament, than as meant to produce discussion now, into which he should very reluctantly enter, after the example which his right hon. friends had set to him in this night's debate. He thanked his right hon. friend, however, that he did not impute these cases of mal-administration to these times; and he assured him, that he did him justice in believing, that his views had been inflexibly directed to the public service, and to the amendment, as the right hon. baronet would find, of many of those pre-existent defects of system, of which he and others had complained. With respect to what had fallen from his hon. friend, (the member for the Queen's County,) on the subject of licensing small stills, he knew not where the discretion alluded to was to rest, if not with the Board of Excise. He should deem himself both ungrateful and unjust if he withheld that testimony which was due to the honourable gentleman at the head of that board, whose zeal, whose exertion, whose increased anxiety for the improvement of that branch of the revenue which was committed to his charge, was far beyond any commendation which he could give, but which he must say set a signal example to those at the head of other departments. If any merit were to be ascribed to those who had to carry into execution the intentions of parliament in that branch of revenue, he would not arrogate it to the superior branches of the government, but had pleasure in ascribing it to Mr. Marsden, to whom it was due; he was not aware that the power vested in the commissioners of excise with respect to licences, had ever been abused, he was sure that none had been partially given or capriciously withheld; he had had frequent and confidential communications

(4 M)



with the chairman of that board on these subjects, and must take his share of any responsibility attaching to the course which had been pursued; but the committee would feel that it was essential to the execution, nay, to the very principle of the act which the hon. baronet had referred to, that no distillery of small dimensions working under the provisions of the law of the last session, should be permitted to interfere with that district in which the more extensive capitalist had been tempted to the investment of his property, and sanctioned in the establishment of his works—he was sure that in the counties where illicit distillation had prevailed, that every encouragement had been given by the commissioners of excise; and the committee would hear with pleasure, that the means pursued, had been, up to this time, most successful for the suppression of that great bane of public morality and public peace. There was one topic which he had omitted to refer to, when he had stated the equalization of the custom duties of Ireland with those of Great

Britain, viz. that he meant to except from its entire operation, the article of silk. It was true that, by the enactment and countervailing duties, we should protect our internal manufacture from British or foreign competition. But he still thought, that to raise the duty on that article at once to the full amount of the British duty, might press too heavily on those interested in that manufacture; and as it had been mentioned to him, that they would not object to an increase, so as to bring it up to one half of the existing import duties in Great Britain, that was all that he should now propose to lay upon it, leaving it to the discretion of the legislature to consider how far it might hereafter act with respect to silk, on the same principle upon which it had acted generally. After adverting shortly to the new stamp duties, he concluded with expressing his thanks to the committee for its kindness, and also his obligation to those who had received his propositions with so much candour, and had made allowance for the difficulties in which he and the country were placed.

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